



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.468 of 2020

Maridurai

... Petitioner

-vs-

1.The Superintendent of Police,
Tuticorin District, Tuticorin.

2.The Inspector of Police,
Tharuvaikulam Police Station,
Tuticorin District.

3.The Inspector of Police,
All Women Police Station,
Vilathikulam, Tuticorin District.

4.Jency

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 3 to produce the body or person of the petitioner's wife viz/, Simona, aged about 22 years and his new born female child aged about 10 months old, who are under the illegal custody of the fourth respondent, before this Court and set them at liberty.

For Petitioner: Mr.P.Banuprasath

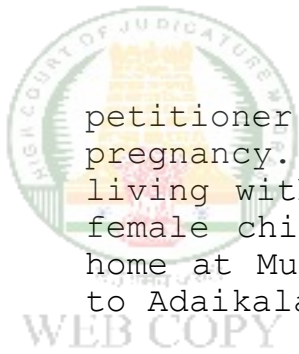
For R1 to R3 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This Habeas Corpus Petition has been filed to direct the respondents 1 to 3 to produce the petitioner's wife viz., Simona, aged about 23 years and his daughter, before this Court and set them at liberty.

2.Today, the detainee viz., Simona appeared before this Court along with her mother, the fourth respondent herein. On enquiry, she has stated that she joined with the petitioner in the year 2018, she lived only for a short period. She also stated that the petitioner is a drug addict and she was tortured and brutally attacked by the



petitioner and sent out from the matrimonial home, during her pregnancy. It is further stated that for the past 1 ½ years, she is living with her mother, but no care was taken by the petitioner. A female child was born on 12.09.2019, and the child was given to a home at Muthukuviyal, Tuticorin and after that, the child was given to Adaikalapuram home, Tuticorin.

3.The third respondent police has stated that based on the complaint of the petitioner, investigation was commenced, but due to non-cooperation of the petitioner, the complaint was closed. It is also informed that the child was given in adoption.

4.Learned counsel for the petitioner would state that the daughter of the petitioner could not be traced even after enquiry with the homes stated by the detinue.

5.However, considering the facts and circumstances of the case, we find no merit in this Habeas Corpus Petition and accordingly, this petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rj2

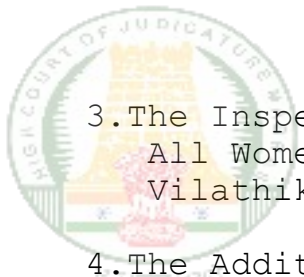
Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Superintendent of Police,
Tuticorin District, Tuticorin.

2.The Inspector of Police,
Tharuvaikulam Police Station,
Tuticorin District.



3.The Inspector of Police,
All Women Police Station,
Vilathikulam, Tuticorin District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.P. BANUPRASATH, Advocate (SR-15173[F] dated
28/08/2020)

H.C.P. (MD) No.468 of 2020
27.08.2020

VB (10.09.2020) 3P 6C