



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.639 of 2020

WEB COPY

T.Velmayan

... Petitioner

-vs-

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

2.The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the second respondent to produce the person or body of the Petitioner's wife namely, Kowsalya, W/o.Velmayan, aged about 27 years and minor daughter namely, Pradheesha, daughter of Velmayan, aged about 3 years before this Court and entrust the second detainee's custody to the Petitioner and set the first detainee at her liberty.

For Petitioner : Mr.R.Sivabalan

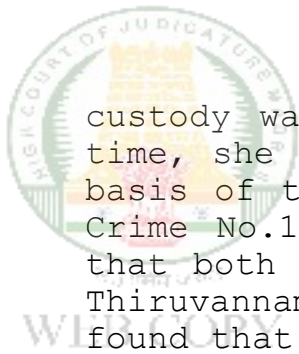
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

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

This habeas corpus petition has been filed seeking direction to the second respondent/Police to produce the Petitioner's wife Kowsalya, aged about 27 years and his minor daughter Pradheesha, aged about 3 years before this Court and entrust the second detainee's custody to the Petitioner and set the first detainee at her liberty.

2.When the matter is taken up for hearing today, Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents would state that the first detainee is the wife of the Petitioner and she eloped with one Inbaraja about three months back and on the basis of the complaint of the Petitioner to the Sedampatti Police Station, the first detainee was secured and the



custody was handed over to the Petitioner. Now, for the second time, she eloped with the same person on 16.8.2020. However, on the basis of the complaint of the Petitioner, a case was registered in Crime No.1999 of 2020 and during investigation, it was found out that both the first detenue and the said Inbaraja have settled at Thiruvannamalai. The Police went to the place on 8.11.2020 and they found that they have vacated the premises. It is further argued that the detenues are not in illegal custody and hence prayed for the dismissal of this Habeas Corpus Petition.

3.The learned counsel for the Petitioner while accepting the elopement of the first detenue with Inbaraja, would argue that he is concerned only with his minor daughter and the Petitioner is entitled for the custody of the minor daughter, in view of the conduct of the first detenue/wife.

4.From the submissions made by the learned counsels appearing on either side, it could be seen that the first detenue Kowsalya was having intimacy with one Inbaraja and she eloped with him on her own volition. The question whether the Petitioner is entitled for the custody of the minor daughter/second detenue cannot be decided in this Habeas Corpus Petition. Hence, this Habeas Corpus Petition is closed, giving liberty to the Petitioner to work out his remedy before the concerned Civil Court. It is made clear that the respondent Police shall investigate the case in accordance with law.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

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,
Madurai District,

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai District.

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

ORDER MADE IN
H.C.P. (MD) No.639 of 2020
20.11.2020

VB (07.12.2020) 3P 4C