



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.727 of 2020

James

... Petitioner

-vs-

State rep by

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

2.The Inspector of Police,
Bazar Police Station,
Ramanathapuram.

3.Asmath Usain

4.Ramaiah alias Abdul Khadar

5.Washitha begham

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the petitioner's wife Parameshwari (26 years) minor child Aswin (aged 10 years) in person or body of the detenu before this Court and set them at liberty.

For Petitioner	:	Mr.P.Muthusamy
For R1 and R2	:	Mr.V.Neelakandan
		Additional Public Prosecutor

O R D E R

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

The prayer in the Habeas Corpus Petition is to direct the respondents 1 and 2 to produce the petitioner's wife Parameshwari, aged about 26 years and her minor son Aswin, 10 years old, before this Court and set them at liberty.

2.It is the case of the petitioner that he married the detenu Parameshwari in the year 2008 and during the lawful wedlock, they are blessed with a son, the second detenu. He was in abroad from 2011 and after three years he returned in 2014 and within two days, both the detenues are missing. In the meanwhile, he also purchased ten sovereigns of gold chain for his wife.



3.It is alleged that he lodged a complaint with the second respondent, but no action was taken and only recently, he came to know that both the detainees are in the custody of the third respondent. When he approached him, he was threatened.

4.Mr.P.Muthusamy, learned counsel for the petitioner would state that the third respondent has already married and he kidnapped the petitioner's wife and son and kept them in illegal detention.

5.When the matter is taken up for hearing, both the detainees namely Parameshwari and minor Aswin appeared through video conferencing. On enquiry, Mrs.Parameshwari stated that for the past six years, she has been residing in Chennai and she is earning by working as a Nurse and taking care of her son Aswin. She further stated that she does not want to live with the petitioner.

6.In the light of the statement of the detainee, we do not find any merit in this Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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

rj2

To

- 1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police,
Bazar Police Station,
Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SCR(CO)

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