



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2020

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

H.C.P. (MD) No.1145 of 2020

K.Arumugam

... Petitioner

-vs-

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

2.The Deputy Superintendent of Police,
Valliyoor,
Tirunelveli District.

3.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

4.M.Lakshmanan

5.Diraviya Kani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to direct the respondents 1 to 3 to secure and produce the body or person of the Petitioner's daughter namely A.Yohalakshmi, daughter of Arumugam, aged about 19 years and produce her before this Court and set her at liberty.

For Petitioner: Mr.S.Vikram

For Respondents: Mr.K.Dinesh Babu

1 to 3 Additional Public Prosecutor

O R D E R

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

The present Habeas Corpus Petition has been filed seeking for a direction to the respondents 1 to 3 to secure and produce the Petitioner's daughter namely, A.Yohalakshmi, aged about 19 years and produce her before this Court and set her at liberty.



2.The Petitioner would claim that he is running a textile business in the name and style of 'M/s.Grace Textiles and Readymades' and he married one Thanga Subha on 26.1.2001 at Krishnankovil Temple at Kovilpatti as per Hindu rites and customs and it was a inter-caste marriage and they are also blessed with a daughter Yohalakshmi, the detenue herein.

3.The grievance of the petitioner is that after his wife got appointment as Teacher in Government Higher Secondary School, she is not permitted by her parents to attend the function of the Petitioner and hence, they are living apart. He would further state that on 8.2.2012, he sent a representation to the first respondent to find out the whereabouts of his daughter and since there was no response, the present Habeas Corpus Petition has been filed.

4.Heard Mr.S.Vikram, learned counsel appearing for the Petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 to 3 and perused the materials available on record.

5.When the matter is taken up for hearing today, the learned Additional Public Prosecutor would state that due to family discard, both the Petitioner and his wife are living apart. The detenue is presently residing with her mother. The detenue appeared through Whats-app call and stated that she is now doing second year B.A in Fathima College and from her 9th standard, the Petitioner has not seen her and he has also not helped her financially. She would further state that the entire educational expenses was borne out by her mother. It is also stated that about two years ago, the Petitioner contacted the detenue on the date of her birth day and thereafter, he did not speak to her. It is further stated that she is not willing to go with the Petitioner and she is a major.

6.In the light of the above statement made by the detenue and also considering the facts of this case, we find no merit in the Habeas Corpus Petition and accordingly, the same stands dismissed.

Sd/-

Assistant Registrar

// 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,
Tirunelveli District,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Valliyoor,
Tirunelveli District.
- 3.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN

H.C.P. (MD) No.1145 of 2020

15.12.2020

KUN(CO)
NR (30/12/2020) 3P : 5C