

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and

The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No. 2426 of 2020

Prakash

.. Petitioner

Vs.

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

2.The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.

3.Karthi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the second respondent to produce the petitioner's wife, namely, Manju, aged about 20 years and the petitioner's minor child, namely, Yugesh, aged about 11/2 years from the illegal custody of the third respondent before this Court and handover the minor child to the petitioner herein.

For Petitioner .. Mr.R.Jayaprakash
For Respondents .. Mr.R.Prathap Kumar
Addl. Public Prosecutor
for R1 and R2
No appearance for R3

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

Seeking a direction to the second respondent to produce the petitioner's wife, namely, Manju, aged about 20 years and the petitioner's minor child, namely, Yugesh, aged about 1 1/2 years from the illegal custody of the third respondent before this Court and to handover the minor child to the petitioner herein, the present habeas corpus petition has been filed.

2. It is the case of the petitioner that his wife and minor child is in the illegal custody of the third respondent and that the police have not taken any effective steps to secure them.

3. Today, Mr.Mannaangatti, SSI, Thirukoilur PS is present before this Court. On instructions, Mr.R.Prathap Kumar, learned Additional Public Prosecutor submitted that the petitioner's wife had eloped with the third respondent on 01.11.2020 and had taken the child also with her. In this connection, on a complaint given by Kathavarayan, the father-in-law of the petitioner, the police registered a case in Crime No.1952 of 2020 under Section 366 IPC against four accused, including the third respondent herein. However, on 29.12.2020, the detenue along with the child appeared before the police and she was produced before the Judicial Magistrate, Thirukoilur on the same day after which, she is now in the custody of her father. The police have also closed the case in Crime No. 1952 of 2020. In view of the above, it cannot be stated that the petitioner's wife and child are in the illegal custody of any one.

4. In the result, the habeas corpus petition is closed with the liberty to the petitioner to workout his remedy in the manner known to law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssm

To

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

2.The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No. 634

SR II(CO)
GN(01/02/2021)

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