



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mrs. Justice R.HEMALATHA

H.C.P.No.2032 of 2021

E.Suburaj

... Petitioner

Vs.

1.The Superintendent of Police,
Coimbatore City,
Coimbatore.

2.The Inspector of Police,
Aalandurai Police Station,
Alandurai,
Coimbatore - 641 101.

3.Robert

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the petitioner's wife viz., Thersa, aged 38 years and minor son aged 2 ½ years, who are illegally detained by the third respondent before this Court and set them at liberty forthwith.

For Petitioner : Ms.S.Nadhiya

For Respondents : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

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

This habeas corpus petition has been filed seeking to direct the respondents to produce the petitioner's wife viz., Thersa,



aged 38 years and minor son aged 2½ years, who are illegally detained by the third respondent, before this Court and set them at liberty forthwith.

2. It is the case of the petitioner that he got married to Thersa on 09.09.2013 and in the year 2018, Thersa went to her natal home for delivery and thereafter, has not returned. It is the further case of the petitioner that he does not know the whereabouts of his wife and child.

3. Today, when the matter was taken up for hearing Thersa was produced before us via video conferencing from Aalanthurai Police Station, Coimbatore.

4. When enquired by us, Thersa stated that she is living with her mother in Poovalampatti, Perur Taluk, Coimbatore and she is not in the illegal detention of the third respondent, who is none other than her own brother. She further stated that the petitioner can come to visit the child and she will not prevent him from visiting the child as long as the petitioner does not attempt to forcibly take away the child from her.

5. In such view of the matter, we do not find that Thersa is in the illegal custody of anyone for the issuance of a writ of habeas corpus.

Hence, this habeas corpus petition stands closed with liberty to the petitioner to visit Thersa and see the child after prior intimation. However, the petitioner cannot forcibly remove the child from the custody of Thersa. It is open to the parties to work out their remedies in the manner known to law.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

nsd

To

1.The Superintendent of Police,
Coimbatore City,
Coimbatore.



2.The Inspector of Police,
Aalandurai Police Station,
Alandurai,
Coimbatore - 641 101.

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3.The Public Prosecutor,
High Court, Madras.

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