



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.79 of 2021

T.Senthil Kumar

... Petitioner

-vs-

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
All Women Police Station,
Melur, Madurai District.

3.Rosiya

4.Manikandan

... 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 body or person of the detenu by name Minor Child Jeevitha Sree, D/o. Senthilkumar, aged about 6 years, who have been illegally detained by the respondents Nos.3 & 4 and produce her before this Court and give custody to the petitioner.

For Petitioner : Mr.A.Balakrishnan

For Respondents : Mr.K.Dinesh Babu

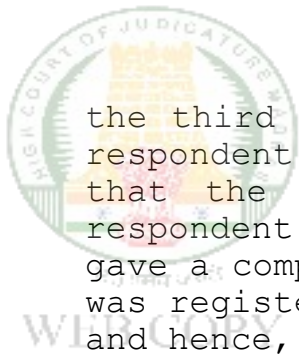
Additional Public Prosecutor for R1 & R2

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 respondents 1 & 2 to produce the petitioner's daughter, namely, Jeevitha Sree, D/o. Senthilkumar, aged about 6 years, from the illegal custody of the respondents Nos.3 & 4, before this Court and give custody to the petitioner.

2. The petitioner would state that he married the third respondent in the year 2014 and during the lawful wedlock, they are blessed with female child, the detenu herein. It is alleged that



the third respondent has developed illicit intimacy with the fourth respondent and eloped with him in the year 2019. It is also stated that the respondents 3 & 4 are living together and the third respondent also delivered a child on 09.10.2020. In this regard, he gave a complaint to the second respondent on 18.11.2020 and the same was registered in C.S.R.No.624 of 2020, however, no action was taken and hence, the present habeas corpus petition has been filed.

3. We have heard Mr.A.Balakrishnan, learned counsel appearing for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing on behalf of the respondents 1 & 2 and perused the materials available on record.

4. When the matter is taken up for hearing, the third respondent appeared along with her daughter, the detenu herein, before this Court through Video Conferencing from the Additional Public Prosecutor Office. On enquiry, the third respondent would state that the petitioner had developed extra marital relationship with his brother's wife and when she objected the illegal act, she was assaulted and mentally tortured by the petitioner and hence, now she is residing in her uncle's house. The detenu also state that she is not willing to go with her father/petitioner herein.

5. In the light of the above statement of the third respondent and the detenu, we find no merits in the habeas corpus petition and hence, this petition is dismissed. It is open to the petitioner to work out his remedy before the competent Civil Court.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.
- 2.The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.79 of 2021

21.01.2021

MJ (CO)

NR (04/02/2021) 3P : 4C