



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2021
CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM
and
THE HON'BLE MRS.JUSTICE S.ANANTHI

H.C.P. (MD) No.471 of 2021

Ponnaiah

...Petitioner

-Vs-

State rep. By

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

2.The Inspector of Police,
Tenkasi Town Police Station,
Tenkasi,
Tenkasi District.

...Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of Constitution of India, praying to issue a writ of Habeas Corpus, directing the 2nd respondent to trace out and produce the persons or bodies of the detainees, by names, Shanmugapriya, wife of the petitioner, aged about 33 years old, Santhosh, son of the petitioner aged about 10 years old and Harini, daughter of the petitioner, aged about 8 years old, before this Court and set them at liberty.

For Petitioner : Mr.P.Santhana Krishnan
For Respondents : Mr.S.C.Chandrasekar,
Addl. Public Prosecutor for R1 & R2
Mr.V.Kannan for detainees

ORDER

[Order of the Court was made by T. S. SIVAGNANAM, J.,]

Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor, who accepts notice on behalf of the respondents 1 and 2 and Mr.V.Kannan, learned counsel appearing for the detainees.

2. The petitioner is the husband of the detainee and the father of the minor detainees. They have been produced by the respondents police and they have appeared before us through video conferencing by being present in the office of the Public Prosecutor, Madurai



Bench of Madras High Court.

3. We spoke to the detinue, Shanmugapriya. She says that she separated from the petitioner over four years. Minor children also spoke to us and they seem to be happy and cheerful and they are studying in Parasakthi School, Courtallam, Tenkasi.

4. The petitioner would state that he is not seen his children for four years. If that is so, the remedy is elsewhere and not in the way of Habeas Corpus Petition. Any further such attempt is made by the petitioner, the little chance of the petitioner seeing his children will be lost.

5. Therefore, we find that there is no illegal detention and this Habeas Corpus Petition is dismissed. However, it is open to the petitioner to approach the appropriate forum for necessary relief.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note: (i) 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,
Tenkasi District,
Tenkasi.

2. The Inspector of Police,
Tenkasi Town Police Station,
Tenkasi,
Tenkasi District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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