



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.1021 of 2021

G.Sineha

...Petitioner/Mother of the detenu

-vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Viruveedu Police Station,
Dindigul District.

3.Ganesan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the first and second respondents to produce the detainees or bodies of the petitioner's children namely 1.Lijitha, D/o.Ganesan, aged about 8 years old and 2.Sudhan, S/o.Ganesan, aged about 5 years old, who have been kept under illegal custody of the third respondent before this Court and to hand over the custody of the detainee to the petitioner.

For Petitioner : Mr.K.Anbumanikandan

For R1 & R2 : Mr.T.Senthil Kumar

Standing counsel for the State

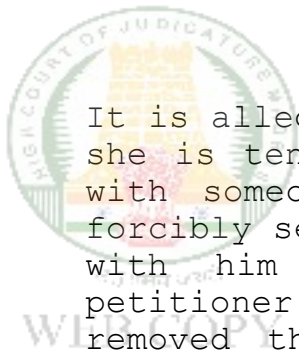
For R3 : Mr.G.Mohan Kumar

O R D E R

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

The petitioner has come forward with this Habeas Corpus Petition seeking direction to the respondents 1 and 2 to produce her children viz., Lijitha, aged about 8 years and Sudhan, aged about 5 years, from the illegal custody of the third respondent and hand over their custody to the petitioner.

2. The petitioner would claim that she was married to the third respondent on 25.03.2012 and it was solemnised as per Hindu Rites and Customs. Out of the wedlock, they were blessed with detenu herein and they were born on 09.05.2013 and 07.12.2016 respectively.



It is alleged that the third respondent harassed her by stating that she is ten years younger than him and also she developed intimacy with someone. It is further alleged that the third respondent forcibly sent her out from the matrimonial home keeping the children with him and thereafter, handed over their custody to the petitioner. While so, on 15.03.2021, the third respondent forcibly removed the children from her custody and hence, she lodged a complaint with the second respondent.

3. Mr.T.Senthil Kumar, learned Standing counsel representing the State and Mr.G.Mohan Kumar, learned counsel appearing for the third respondent would submit that the petitioner has deliberately suppressed the material facts and on that score, the habeas corpus petition is to be dismissed with exemplary cost. According to them, the petitioner left the matrimonial home on 14.03.2021, leaving the children in the custody of the third respondent and the third respondent preferred a complaint with the Nagamalai Police Station on 15.03.2021 and it was referred to All Women Police Station, Samayanallur Police Station, where a case was assigned in C.S.R.No.155 of 2021. During enquiry, the petitioner appeared before the Police Station along with one Maruthu and stated that she married him and wanted to live with him. Hence, the third respondent filed a petition before the Sub Court, Thirumangalam in H.M.O.P.No.89 of 2021, against the petitioner for divorce. Thereafter, the petitioner preferred a complaint with the second respondent police, after enquiry, it was closed. Thereafter, she lodged a complaint with the Nilakottai Police Station and the complaint also closed, after the enquiry.

4. The learned counsel further stated that the petitioner left the detenu with the third respondent and also handed over Thali declaring that she is no more his wife. The learned Standing counsel appearing for the State represented that the petitioner has converted to Muslim religion and now she is residing with her second husband.

5. In the light of the above submissions, we find no merit in the Habeas Corpus Petition. Hence, this Habeas Corpus Petition is dismissed.

Sd/-

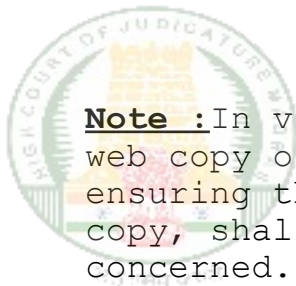
Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

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WEB COPY

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
- 2.The Inspector of Police,
Viruveedu Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.MOHANKUMAR, Advocate (SR-23828[F] dated 26/07/2021)

H.C.P.(MD) No.1021 of 2021
23.07.2021

KMK (CO)
LR (04.08.2021) 3P 5C