



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.908 of 2021

WEB COPY

Sathyendran

... Petitioner/Father of the detenu

-vs-

- 1.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.
- 3.The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.

4.Malaisamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents 1 to 3 to produce the body or person of the detenu, minor Karishmasri, D/o. Sathyendran, aged about 6 years, before this Court from the illegal custody of the fourth respondent and hand over the minor daughter to the petitioner's custody.

For Petitioner: Mr.S.Sundarapandian

For R1 to R3 : Mr.S.Ravi
Standing counsel for Government

O R D E R

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

The prayer in the habeas corpus petition is to direct the respondents 1 to 3 to produce the petitioner's daughter viz., Karishmasri, aged about 6 years, before this Court, from the illegal custody of the fourth respondent and hand over the custody of the petitioner.

2. The petitioner would claim that he is working as a Police Constable in the Police Department. He was married to the fourth respondent daughter viz., Priyatharshini, on 16.09.2015 and they



are also blessed with detenu herein. The petitioner would allege that in view of the ill-advice of the fourth respondent, his wife started quarrelling with the petitioner and thereafter, the petitioner was not even allowed to see the child. Hence, he lodged a complaint with the first respondent on 08.02.2021 and the same was forwarded to the second respondent. Once again, he made a complaint to the respondents 1 to 3 on 18.06.2021. But no action was taken. Hence, the present habeas corpus petition.

3. Heard Mr.S.Sundarapandian, learned counsel appearing for the petitioner and Mr.S.Ravi, learned Standing counsel appearing for the respondents 1 to 3.

4. The learned Standing counsel representing the State would argue that due to matrimonial dispute, the petitioner and his wife Priyatharshini are living apart since the birth of the detenu. But a false affidavit has been sworn. Since the detenu is with her mother, who is a natural guardian, the present habeas corpus petition is not maintainable. It is also stated that the petitioner's wife met with an accident and she could not appear before the Court.

5. In the matter on hand, though it is alleged that the detenu is under the custody of the fourth respondent, no material was produced to substantiate the same. It is not disputed that the detenu is now with her mother. Hence, we find no merit in this habeas corpus petition. Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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,
Ramanathapuram,
Ramanathapuram District.

2.The Deputy Superintendent of Police,
Thiruvadanai,

<https://hcservices.ramanathapuram.gov.in/hcservices> District.



3.The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.

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

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KK(08.07.2021) 3P 5C