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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.597 of 2022

Devachandran ..Petitioner/Husband of the detenue

Vs.

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

2.State represented by
The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.

3.Abraham ..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent to produce the petitioner's wife Rebecca, aged about 32 years and minor child Angel, aged about 3 years, before this Court, from the illegal custody of the 3rd respondent and set them at liberty.

For Petitioner : Mr.G.Aanand Raj

For RR 1 and 2 : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking a direction to the 2nd respondent to produce the petitioner's wife Rebecca, aged about 32 years and minor child Angel, aged about 3 years, before this Court, from the illegal custody of the 3rd respondent and set them at liberty.



2. It is the case of the petitioner that he got married to Rebecca on 12.11.2010 and through the wedlock, he has a child viz., Angel, who is now aged about 3 years; on account of marital discord, he got estranged from his wife, pursuant to which, he filed divorce proceedings in O.P.No.500 of 2020 before the Family Court, Thiruvannamalai, which has been dismissed on 14.12.2021.

3. Under such circumstances, the petitioner has filed the present habeas corpus petition alleging that Rebecca and Angel are in the illegal custody of Abraham, third respondent herein, who is none other than the father of Rebecca.

4. In our considered opinion, we are unable to countenance the aforesaid allegation, because, the petitioner himself had filed divorce proceedings and had lost before the Family Court, Thiruvannamalai.

5. In such view of the matter, it cannot be stated that Rebecca and Angel are in the illegal custody of Abraham, third respondent, for the issuance of a writ of habeas corpus.

In the result, this habeas corpus petition stands closed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvannamalai District.
- 2.The Inspector of Police,
Polur Police Station, Thiruvannamalai District.
- 3.The Public Prosecutor, High Court, Madras.

+1cc to Mr.G.Aanand Raj, Advocate SR. No. 26102

H.C.P.No.597 of 2022

PL (CO)
PR (27/04/2022)