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H.C.P.No.2438 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2438 of 2022

M.Ragunathan

.. Petitioner

Vs

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

2.The Inspector of Police,
B-1, Dharmapuri Town Police Station,
Dharmapuri District.

3.Mayadevi

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents herein to produce the body of the petitioner's daughter Devadharshini, aged about 19 years, before this Court from the custody of the third respondent and set her at liberty.



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For Petitioner : Mr.R.Sunil Kumar
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 by the petitioner seeking a direction to the respondents herein to produce his daughter Devadharshini, aged about 19 years, before this Court from the custody of the third respondent and set her at liberty.

2. It is the case of the petitioner that he got married to Mayadevi, third respondent herein, on 01.06.2001 and through the wedlock, a daughter viz. Devadharshini was born on 13.09.2003; Mayadevi filed divorce proceedings in H.M.O.P.No.37 of 2009 and the same was allowed by the Subordinate Court, Dharmapuri District. The petitioner filed G.W.O.P.No.8 of 2011 for the custody of Devadharshini and the same was dismissed by the Additional District Court, Dharmapuri, on 04.12.2015. While so, the



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petitioner has filed the present habeas corpus petition alleging that Devadharshini is in the illegal custody of Mayadevi/R3.

3. Today, D.Sampath (Mobile No.94981 69528), Special Sub-Inspector of Police, Dharmapuri Town Police Station, Dharmapuri District, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that G.W.O.P.No.8 of 2011 that was filed by the petitioner was dismissed way back in 2015 itself and the enquiry conducted by the police revealed that Devadharshini is very much with Mayadevi/R3; that apart, in M.C.No.12 of 2016 that was filed by Mayadevi/R3, the Family Court had directed the petitioner to pay a sum of Rs.10,000/- as maintenance to Devadharshini under Section 125 Cr.P.C.; while so, the petitioner has filed CrI.M.P.No.118 of 2021 in M.C.No.12 of 2016 under Section 127 Cr.P.C. for reduction of maintenance amount, but, the same has also been dismissed by the Family Court on 06.10.2022.



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5. It is seen that the petitioner has suppressed the above facts and has filed the present habeas corpus petition, as if Devadharshini is in the illegal custody of Mayadevi/R3.

In such view of the matter, this habeas corpus petition stands dismissed with heavy costs of Rs.25,000/- payable by the petitioner to the credit of Cancer Institute (WIA), Adyar, Chennai.

(P.N.P., J.) (TKRJ)
30.11.2022

nsd



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- 1.The Superintendent of Police,
Dharmapuri, Dharmapuri District.
- 2.The Inspector of Police,
B-1, Dharmapuri Town Police Station,
Dharmapuri District.
- 3.Mr.R.Seshasayee, Chairman,
Cancer Institute (WIA),
No.38, Sardar Patel Road,
Adyar, Chennai - 20.
- 4.The Public Prosecutor,
Madras High Court.



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and
RMT.TEEKAA RAMAN, J.

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