



H.C.P.No.2580 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.12.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

H.C.P.No.2580 of 2022

Dr.R.Janakiraman

.. Petitioner

Vs.

1.The Superintendent of Police
Cuddalore District 607 003

2.The Deputy Superintendent of Police
Virudhachalam
Cuddalore District

3.The Inspector of Police
All Women Police Station
Virudhachalam
Cuddalore District

4.Manvizhi

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to produce the petitioner's minor



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child viz., Sri Mahapoorna Ramanujam.J, aged before this Court and hand over the child to the petitioner.

For Petitioner	Mr.S.Velmurugan
For R1 to R3	Mr.R.Muniyapparaj Additional Public Prosecutor
For R4	Ms.R.Meenal

ORDER

(Made by P.N.PRAKASH, J.)

It is the case of the petitioner that he got married to Manvizhi on 13.11.2013 and through the wedlock, he has two children viz., Sri Mahapoorna Ramanujan and Achudan. It is the allegation that his wife went to her natal home for second delivery on 15.07.2019 and after Achudan was born on 08.09.2019, she did not return to her matrimonial home. It is his further allegation that he does not know the whereabouts of his wife and children and on these allegations, the present habeas corpus petition has been filed.



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2. On 15.12.2022, we passed the following order:

“Mr.R.Muniyapparaj, learned Additional Public Prosecutor takes notice for the respondents 1 and 3. He seeks time to get instructions in this case.

On notice, Ms.A.Potta, Woman Sub-Inspector of Police, All Women Police Station, Viruthachalam was present.

Private notice to the 4th respondent returnable by 19.12.2022.

We direct the respondent police to produce the 4th respondent and the child before us on 19.12.2022.

Post on 19.12.2022.”

3. Today, Ms.A.Potta, Woman Sub-Inspector of Police, AWPS, Viruthachalam, is present before this Court. The petitioner, Manvizhi (4th respondent) along with her son Sri Mahapoorna Ramanujan, are present with their respective counsels. Copy of the affidavit and typed set of papers were served on Ms.R.Meenal, learned counsel for Manvizhi.

4. On enquiry, Manvizhi stated that she is not in the illegal custody of anyone and that, she was cruelly treated by the petitioner, on account of which, she is living in door No.330, Moorthy Illam, Titakudi, Cuddalore District, with her mother and children.



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5. We do not find the child viz., Sri Mahapoorna Ramanujan to be in the illegal custody of the 4th respondent, for issuance of a writ of habeas corpus. Hence, this habeas corpus petition is closed, with liberty to the parties to work out their remedies in accordance with law. It is made clear that the petitioner shall not disturb the 4th respondent in her house and that he should work out his remedies before the appropriate Court and act accordingly.

[P.N.P., J.] [N.A.V., J.]

19.12.2022

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To
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- 1.The Superintendent of Police
Cuddalore District 607 003
- 2.The Deputy Superintendent of Police
Virudhachalam
Cuddalore District
- 3.The Inspector of Police
All Women Police Station
Virudhachalam
Cuddalore District
- 4.The Public Prosecutor
Madras High Court
Chennai



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P.N.PRAKASH, J.

AND

N.ANAND VENKATESH, J.

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