



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.24 of 2022

V.Karthik ... Petitioner

-vs-

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
K.Pudur Police Station,
Madurai District.

3.Srithar ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, directing the respondents 1 & 2 to produce the person or body of the detenues Vetriselvi, aged about 29 years, W/o.V.Karthik and Senthilnathan, aged about 4 ½ years, S/o.V.Karthik and set them at liberty.

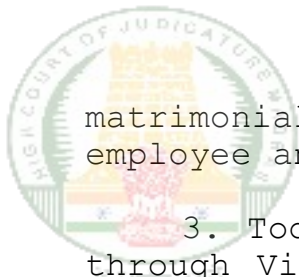
For Petitioner : Mr.V.Manikandan
For R1 & R2 : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.
and
DR.G.JAYACHANDRAN, J.

The husband of the detainee, namely, Vetriselvi, has preferred this Habeas Corpus Petition alleging that his wife and 4 ½ years old child missing, since 23.12.2021. The respondent on registering the complaint in Cr.No.1444 of 2021 had now secured the wife and son of the petitioner from Bangalore and produced them before this Court.

2. The learned Additional Public Prosecutor appearing for the respondents 1 & 2 submits that the wife of the petitioner, due to



matrimonial dispute, had left the petitioner and eloped with her co-employee and gone to Bangalore.

3. Today, the petitioner's wife and his minor son were present through Video Conferencing from the Public Prosecutor Office. The mother of the detenu Vetrichelvi is also present.

4. We enquired them. On enquiry, the detenu stated that she eloped with her co-employee and she submits that it is a mistake, which she should not have done. The mother of the detenu also on the same footing of the detenu, however, she assured that she would take care of her daughter and grandchild. No doubt, the child's future is important and his future should not be spoiled. The child should not be a spoiled child in the society on account of bad behaviour of his parents. If the detenu wants to go with the co-employee, the same would danger to the life of the child as they may feel that the child is hindrance to their affair. Any how, the detenu says that she wants to stay with her mother and not interested in joining with her husband, due to matrimonial discard.

5. In view of the above, this Habeas Corpus Petition is disposed of. Disposal of this petition will not stand in the way of the petitioner's right in claiming custody of the child after child attains the age of five or any other relief, which is available to him.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Commissioner of Police,
Madurai City,
Madurai.



2.The Inspector of Police,
K.Pudur Police Station,
Madurai District.

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

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VR (CO)
TR(07.02.2022) 3P 4C