



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
H.C.P.(MD) No.94 of 2022

Gunaseelan ... Petitioner/ Husband and
father of the detainees

-vs-

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Rayappanpatti Police Station,
Rayappanpatti,
Theni District.

3.Mr.Eswaran @ Mareeswaran ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, directing the first and second respondents to produce the person or body of the detainees namely K.Mutheeswari, wife of M.Gunaseelan, aged about 25 years along with two children namely 1) Thiyashree, aged about 7 ½ years and Harsith aged about 3 year before this Court and set them at liberty.

For Petitioner : Mr.B.Arun
For R1 & R2 : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

[Order of the Court was made by DR.G.JAYACHANDRAN,J.]

The wife of the petitioner had eloped with the third respondent along with two minor children and therefore, the present Habeas Corpus Petition has been filed.

2. The learned Additional Public Prosecutor appearing for the respondents 1 & 2 submitted that the complaint of the petitioner has been registered as CSR and the matter is under investigation.



3. Since it is a case of elopement and there is no illegal custody, this Habeas Corpus petition is dismissed. The respondent police shall register a case of the complaint given by the petitioner herein and investigate and file a final report. It is open to the petitioner herein to file appropriate petition before the appropriate forum for seeking custody of the minor children, if he so desires.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Theni District.
- 2.The Inspector of Police,
Rayappanpatti Police Station,
Rayappanpatti,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.94 of 2022

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RD(08.02.2022) 2P 4C