



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.329 of 2022

K.Pandian ... Petitioner/ Husband of the Detenu

Vs.

1.The Inspector of Police,
Kottampatti Police Station,
Madurai District.

2.Ganesan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus directing the first respondent to produce the body or person of the petitioner's wife, namely, Palaniyammal, D/o,Kumaravel, aged about 22 years and petitioner's minor daughter namely, Hema Chandrika, D/o.K.Pandian, aged about 5 years and produce before this Court and set them at liberty.

For Petitioner : Mr.S.M.Kadhar

For Respondent-R1 : Mr.S.Ravi,
Additional Public Prosecutor

O R D E R

R.SUBRAMANIAN, J.
AND
N.SATHISH KUMAR, J.

The petitioner/husband seeks production of the person of his wife Palaniyammal, aged about 22 years and minor daughter Hema Chandrika, aged about 5 years.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. It is stated that they are missing from 07.02.2022.

4. Mr.S.Ravi, learned Additional Public Prosecutor, upon instructions, would submit that the wife of the petitioner had eloped with one Ganesan, S/o.Periyakaruppan and has also taken away



the minor daughter with her.

5. Since, it is a case of elopement and the custody of the minor child cannot be said to be illegal as she is the mother, we do not see any useful purpose in keeping the Habeas Corpus Petition is pending and hence, this Habeas Corpus Petition is dismissed, leaving it open to the petitioner to take appropriate proceedings before the appropriate Civil Court.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rm

To:

- 1.The Inspector of Police,
Kottampatti Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.M.KADHAR, Advocate (SR-12265[F] dated 15/03/2022)

H.C.P. (MD) No.329 of 2022
14.03.2022

RD(28.03.2022) 2P 4C