



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.05.2022**

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

H.C.P.[MD].No.714 of 2022

N.Chandrasekaran

.. Petitioner/
Husband and Father of the Detenues

Vs.

1.The Superintendent of Police,
District Police Office,
Sivagangai District.

2.The Inspector of Police,
Kundrakkudi Police Station,
Tirupattur Taluk,
Sivagangai District.

3.Savithri

.. Respondents

PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, directing the respondents 1 and 2 to produce the person or body of the petitioner's wife namely K.Mathangi @ Surya aged about 32 years and the petitioner's two minor children namely shivani aged about 9 years (daughter) and Thilakesh aged about 5 years (son) and handed over the custody of the detenues to the petitioner and set them at liberty.

For Petitioner : M/s.A.Arul Jenifer

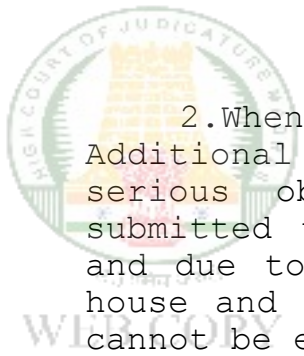
For Respondents : Mr.S.Ravi

Addl. Public Prosecutor for R1&R2

ORDER

[Order of the Court was made by **T.RAJA,J**]

The petitioner, who is the husband of the detainee viz., K.Mathangi @ Surya, aged about 32 years, has come up with this Habeas Corpus Petition seeking a direction to the respondents 1 and 2 to produce the person or body of his wife namely K.Mathangi @ Surya and his two minor children namely Shivani aged about 9 years and Thilakesh aged about 5 years before this Court and to hand over the custody of the detenues to him.



2. When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents raised serious objection for filing the Habeas Corpus Petition and submitted that the petitioner is the husband of the first detainee and due to some issues between them, she has left the matrimonial house and is living with her parents. Therefore, the Habeas Corpus cannot be entertained.

3. The learned counsel for the petitioner submits that the petitioner's wife is also suffering from mental illness and she is always risk, dangerous and harmful to their minor children. We do not find any evidence to show that the petitioner's wife is suffering from mental illness. Secondly, the children are staying with the mother and the petitioner's wife is also staying with her parents.

4. In view of the above, this petition is dismissed.

Sd/-

Vacation Officer/
Assistant Registrar (Records)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

am

To

1. The Superintendent of Police,
District Police Office,
Sivagangai District.
2. The Inspector of Police,
Kundrakkudi Police Station,
Tirupattur Taluk,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
H.C.P. [MD].No.714 of 2022
Dated: 05.05.2022

SRK (CO)
GC(25.05.2022) 2P 4C