



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

and

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

H.C.P.(MD) No.750 of 2022

R.Thatchinamoorthy

...Petitioner/Husband of Detenue

-vs-

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

2.The Inspector of Police
Kalaiyarkovil Police Station
Kalaiyarkovil
Sivagangai District

3.Vigneskumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the persons or bodies of petitioner wife namely Sankavi, wife of R.Thatchinamoorthy, aged about 26 years old and petitioner minor son Dharakesh, son of R.Thatchinamoorthy, aged about 7 years old those who have been kept under illegal custody of the third respondent before this Court and set them at liberty.

For Petitioner : Mr.Ezhilarasu.C.

For Respondents : Mr.S.Ravi
Additional Public Prosecutor for R1 & R2

O R D E R

[Order of the Court was made by ABDUL QUDDHOSE, J.]

The petitioner has filed this habeas corpus petition seeking direction to the respondents 1 and 2 to produce his wife Sankavi, aged about 26 years and minor son Dharakesh, aged about 07 years, who are alleged to have been under the illegal custody of the third respondent, before this Court and set them at liberty.



2. The respondent Police has secured the wife and minor son of the petitioner and produced them before this Court.

3. On enquiry, the petitioner's wife Sankavi has stated that she is not willing to live with her husband, who is the petitioner herein.

4. Since the wife and minor son of the petitioner have been secured by the respondent Police and produced before this Court, the question of illegal detention will not arise. If at all the petitioner has got any grievance, he has to file guardian original petition seeking appropriate relief as sought for in this habeas corpus petition.

5. After recording the presence of the wife and minor son of the petitioner, this habeas corpus petition is disposed of and liberty is granted to the petitioner to file a guardian original petition seeking for legal custody of his minor son.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

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

2.The Inspector of Police,
Kalaiyarkovil Police Station,
Kalaiyarkovil,
Sivagangai District.

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

+1 CC to M/s.C.EZHILARASU, Advocate (SR-23717[F] dated 18/05/2022)

ORDER MADE IN
H.C.P. (MD) No.750 of 2022
18.05.2022

PKP/26.05.2022/2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>