



H.C.P.(MD)No.1449 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1449 of 2022

Arunkumar

.. Petitioner

Vs.

1.The Superintendent of Police,
Theni District,
Theni.

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondents to produce the person or body of detainees / petitioner's wife namely "Benazeer" daughter of Akbar Ali, aged about 28 years and petitioner's minor male child namely,



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Karuppasamy, son of Arujkumar, aged about 4 years and petitioner's minor female child namely, Nitharshana, daughter of Arunkumar, aged about 2 years, before this Court and set them at liberty forthwith.

For Petitioner : Mr.D.Arunkumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

J.NISHA BANU, J.

and

N.ANAND VENKATESH, J.

Pursuant to the earlier order passed by this Court on 06.09.2022, the respondent police produced the detinue and two minor children.

2. We personally examined the wife and her mother. We also examined the concerned Special Sub-Inspector of Police, in order to ascertain from where he had secured the wife and children of the petitioner.



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3. We are informed that the Special Sub-Inspector of Police had secured the wife and two minor children from the residence of her mother. The mother who was present before this Court also stated that her daughter and two children came to her place and they are staying along with her. The wife / detainee stated that she is being ill-treated by her husband and hence, she went away along with her two minor children to her mother's residence. She further made it clear that she is not interested in going and living with the petitioner.

4. It is clear from the above that the detainee is not in any illegal detention and she is living along with her two minor children in her mother's residence. Insofar as *inter se* dispute between the petitioner and the detainee and the custody of the minor children is concerned, the petitioner has to approach the Civil Court for appropriate relief, in the manner known to law and no orders can be passed in this Habeas Corpus Petition.



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5. In view of the above, this Habeas Corpus Petition is closed.

(J.N.B.,J.) (N.A.V.,J.)
15.09.2022

Index : Yes/No
Internet : Yes
rm

To

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



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