



HCP(MD)No.1717 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.10.2022

CORAM

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

H.C.P.(MD)No.1717 of 2022

M.Maharajan

.. Petitioner/husband/father of
the Detenu

Vs

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

2.The Inspector of Police,
Palayamkottai C1 Police Station,
Tirunelveli 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 body or person of the detenues namely, Maharasi, W/o.Maharajan, aged about 30 years, Maharasi, D/o.Maharajan aged about 8 years and Murugeshwari, D/o.Maharajan, aged about 6 years and set at liberty forthwith.



HCP(MD)No.1717 of 2022

For Petitioner : Mr. M.Perumal

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

This petition has been filed by the father of the detenues on the ground that his wife has taken away both the children and their whereabouts are not known from 01.09.2022 onwards.

2. When the matter was taken up for hearing, the wife and children of the petitioner were produced before this Court. The petitioner's wife Maharasi stated that the petitioner was not treating her properly and there was regular quarrel between them. As a result of the same, she went away from the petitioner along with the children to her parents house. Since they have to settle a loan, she along with her mother and children have now gone to Tiruppur and she is presently working at Amman Garments at Tiruppur. She further stated that both the children are now studying at Government School at Tiruppur. She made it clear that she is not willing to go along with



HCP(MD)No.1717 of 2022

the petitioner and if the petitioner wants to visit the children, he can come out to Tiruppur and he should not create any problem and he should give some money for the maintenance of the children.

3. The petitioner, who was present before this Court stated that he wants to visit his children and he should not be prevented.

4. We have carefully considered the submissions made on either side.

5. In the considered view of this Court, insofar as the custody and guardianship of the children, the petitioner has to work out his remedy before the appropriate forum in accordance with law. Insofar as the visitation right is concerned, even the wife has stated that the petitioner can visit the children at Tiruppur and he should not create any problem during visit and he should pay some money for the maintenance of the children. This shall be taken into consideration by the petitioner and the petitioner can visit the children at Tiruppur. The petitioner's wife Maharasi is said to be residing at No.63, Pasumai Nagar, Peruma Nallur, Tiruppur (Ph:9524871343).



HCP(MD)No.1717 of 2022

WEB COPY 6. This Habeas Corpus Petition is disposed of accordingly.

(J.N.B.,J.) & (N.A.V.,J.)
28.10.2022

Index : Yes/No
Internet : Yes
PJJ

To:

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police,
Palayamkottai C1 Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



HCP(MD)No.1717 of 2022

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

PJL

H.C.P.(MD)No.1717 of 2022

28.10.2022