



H.C.P.(MD)No.1763 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1763 of 2022

Shanmugasundaram

.. Petitioner

Vs.

1.The State rep. by
The Superintendent of Police,
Pudukkottai,
Pudukkottai District.

2.The Inspector of Police,
Annavaasal Police Station,
Pudukkottai 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 the petitioner's daughter Magizhini,



H.C.P.(MD)No.1763 of 2022

D/o.Shanmugasundaram, aged about 3 years, before this Court and hand over the custody of the detenu to the petitioner.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

J.NISHA BANU, J.
and
N.ANAND VENKATESH, J.

This Habeas Corpus Petition has been filed by the father of the detenu to produce the body of his daughter, who is aged about 3 years and said to have been illegally taken away by his wife, who has developed an illegal intimacy with one Vicky.

2. The learned Additional Public Prosecutor, on instructions, submitted that even on an earlier occasion, the wife of the petitioner eloped with the above said Vicky and steps were taken to secure them. Once again,



H.C.P.(MD)No.1763 of 2022

WEB COPY

the wife of the petitioner has eloped with the same person and she has taken away the three year old daughter along with her. The learned Additional Public Prosecutor further submitted that all steps are being taken to find the whereabouts of the detenu.

3. In the considered view of this Court, the wife of the petitioner eloping with the above said Vicky, cannot be gone into in this Habeas Corpus Petition. The main issue that was canvassed by the learned counsel for the petitioner is that the three year old daughter has also been taken away by his wife and since he does not even know the whereabouts of the wife, he is not in a position to file a petition seeking for guardianship of the child.

4. There shall be a direction to the second respondent police to secure the wife of the petitioner and the child. The second respondent shall record the statement of the petitioner and the wife of the petitioner and shall get the address of the wife. If the wife is not willing to give the custody of the child to the petitioner, the permanent address of the wife shall be given



H.C.P.(MD)No.1763 of 2022

WEB COPY

to the petitioner and the petitioner can go ahead and file a petition seeking for the custody and guardianship of the child by filling appropriate application before the competent Court.

5. This Habeas Corpus Petition is disposed of with the above directions.

(J.N.B.,J.) (N.A.V.,J.)
27.10.2022

Index : Yes/No
Internet : Yes
rm



H.C.P.(MD)No.1763 of 2022

To
WEB COPY

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



WEB COPY



H.C.P.(MD)No.1763 of 2022

J.NISHA BANU,J.

and

N.ANAND VENKATESH, J.

rm

H.C.P.(MD)No.1763 of 2022

27.10.2022