



H.C.P.(MD) No.1837 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDER MOHAN**

H.C.P.(MD) No.1837 of 2022

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... Petitioner

-VS-

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

2.The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, directing the respondents to produce the petitioner's wife namely Meena, aged about 28 years old and the petitioner's daughter namely Iniyakarshika, aged about 6 years old or their body before this Court and set them at liberty based on the petitioner's complaint, dated 03.11.2022.



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For Petitioner : Mr.S.Sivaprakash
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
AND
SUNDER MOHAN,J.

The husband of the alleged first detainee has filed this Habeas Corpus Petition stating that his wife Meena, aged 28 years along with daughter aged 6 years left the home on 23.10.2022 at about 11.30 a.m., for Deepavali purchase, but they did not return home. The complaint registered by the second respondent police under Woman and Girl missing case in Cr.No.154 of 2022 did not yield any result.

2. The learned Additional Public Prosecutor appearing for the respondents after taking notice has got instructions from the respondent police to the effect that the said Meena has left the company of her husband along with female child since she had been sexually harassed by the petitioner and addict to Ganja. In the



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said circumstances, to save herself and the female child, she left her company and taken shelter in Anthaman. She had admitted her daughter in Government School at Anthaman and she is earning a livelihood at a housemaid. She is unwilling to return Muthalankurichi where the petitioner resides. The respondent police has interacted with the counter part at Anthaman and ensured that the wife of the petitioner is alive and daughter been admitted in the Government School and studying in Anthaman.

3. The Whatts App message and the photos were produced before this Court and this Court is satisfied that the alleged detenues are safe and living in Anthaman and the minor child is in the custody of the mother, who is the natural guardian. If the petitioner is interested in taking custody of the detenues, it is open for him to approach the appropriate Court and the Writ of Habeas Corpus is not the avenue for the petitioner to redress his matrimonial dispute and custodial dispute.

4. The learned counsel for the petitioner seeks whereabouts of the petitioner for him to make necessary steps taking recourse as per law. The



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petitioner herein shall approach the second respondent for such information and on request, the second respondent is directed to furnish those details to the petitioner.

5. Accordingly, this Habeas Corpus Petition is dismissed.

[G.J.,J.] [S.M.,J.]
19.12.2022

Index : Yes / No
Internet : Yes / No
am

To

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



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