



H.C.P.(MD) No.2047 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

CORAM:

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

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C.Pandiselvi

... Petitioner

-VS-

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

2.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

3.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, directing the respondents herein to produce the body or person of the detenues by name R.Santhosh, S/o.Ranjith Kumar, aged about 12 years and R.Yalini, S/o.Ranjith Kumar, aged about 9 years and R.Abinaya W/o.Ranjith Kumar aged about 33 years before this Court and set them at liberty.

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For Petitioner : Mr.A.Karthick Kumar
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

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

Mrs.C.Pandiselvi, who is the sister of Kumar @ Ranjithkumar, has approached this Court for issuance of writ of Habeas Corpus alleging that Mrs.Abinaya wife of her brother along with her son R.Santhosh, 12 years old and Yalini, 9 years old left the home on 28.11.2022, but she did not return back and whereabouts not known. Hence, she has given a complaint to the police about the missing of three persons. The third respondent police has registered a case in Cr.No.394 of 2022. Till date, they were not able to secure the missing persons.

2. It is stated that since the husband of Abinaya and father of the two minor children working in Dubai and the petitioner has informed the same to him.



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3. When the writ petition came up for admission today, the learned Additional Public Prosecutor appearing for the respondents stated that the said Abinaya and two minor children were found in Ooty and secured. He has also stated that she had eloped with one Karthikeyan S/o.Arasappan and staying with him along with children.

4. The first detinue Abinaya and two children were produced before this Court and this Court interacted with him. From interaction, this Court found that Abinaya has developed intimacy with Karthikeyan and she is inclined to live with him. Her husband, who is present here, would submit that since he being employed in Dubai, his wife developed some intimacy with the said Karthikeyan and she has taken away the jewels and money. The said Abinaya admits the allegation that she has taken the jewels and money. Abinaya is not inclined to resume her matrimonial relationship with her husband Kumar @ Ranjithkumar and expressed her wish to go with the said Karthikeyan.

5. In view of the above facts, this Court is of the view that the minor children Santhosh, aged about 12 years and Yalini, aged about 9 years to be given



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custody to their natural guardian Mr.Kumar @ Ranjithkumar, who is the biological father. Since Abinaya is major, she is at liberty to take any decision which suits her convenience.

6. Accordingly, this Habeas Corpus Petition is closed. No costs.

[G.J.,J.] [S.M.,J.]
08.12.2022

Index : Yes / No
Internet : Yes / No
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To

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.
- 3.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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