



HCP(MD)No.2058 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.12.2022

CORAM

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

H.C.P.(MD)No.2058 of 2022

Micheal Raj

.. Petitioner/ Husband and father of
the Detenues

Vs.

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

2.The State Rep. by
The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District.

3.Rajavel

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the body of detenu Jesukani, aged about 30 years, wife of Micheal Raj and Anthoniraja, aged about 11 years, son of Micheal Raj, before this



HCP(MD)No.2058 of 2022

Court and set them at liberty.

WEB COPY

For Petitioner : Mr.S.Calvin Christopher

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor
for R1 and R2

ORDER

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

This petition has been filed by one Micheal Raj, alleging that his wife along with his minor son, aged 11 years, gone missing from 14.10.2022 from the last known place of residence at Thoothukudi. Alleging that his wife has developed extramarital intimacy with one Rajavel and had eloped along with her minor son, sought for intervention of this Court to secure his wife and minor son, since his complaint before the second respondent registered in Crime No.133/2022 dated 26.10.2022 for 'woman missing' and 'boy missing' has not yielded any result.



HCP(MD)No.2058 of 2022

2.This Court on 12.12.2022 cast notice to the learned Additional Public Prosecutor and posted the matter to be heard on 19.12.2022.

3.Today the learned Additional Public Prosecutor mentioned before this Court that wife and minor son of the petitioner, who were staying at Kappalur, Thirumangalam Taluk, Madurai District, been secured and he will shortly produce them before this Court.

4. Accordingly, the matter has been taken up out of turn and heard in the presence of the learned counsel for the petitioner as well as the petitioner, when the wife of the petitioner and his minor son were produced. This Court interacted with the minor boy as well as the petitioner and his wife. The petitioner, having heard unwillingness of his wife to join him, made a request that atleast the custody of the minor boy has to be handed over to the petitioner since the education of the minor boy likely to be spoiled if he is allowed to stay with his mother. However, the minor boy, on interaction reveals that though he has no grudge over his father, he is comfortably living with his mother. She is gainfully employed in a spinning



HCP(MD)No.2058 of 2022

mill in Kappalur and put him in a school namely, PKN School at Thirumangalam in 6th standard and he is comfortably pursuing his studies. Thus, it is clear that the wife of the petitioner is not inclined to join with him and she has left the home on her own for the reasons best known to her.

5. As far as the interest of the minor boy is concerned, it is found that he has been put in a proper school to pursue his studies and expenses is met out by the mother, who is employed at a spinning mill at Kappalur. Therefore, this Court finds that there is no need to interfere in this matter by exercising its power under Article 226 of the Constitution of India by entertaining this Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition is dismissed. However, it is open to the petitioner herein to work out his remedy regarding the custody of the minor son as per law before the appropriate forum.

[G.J.,J.] & [S.M.,J.]
14.12.2022

Index: Yes/No
Internet: Yes/No

PJL



HCP(MD)No.2058 of 2022

WEB COPY

To

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

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

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



HCP(MD)No.2058 of 2022

**DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.**

PJL

H.C.P.(MD)No.2058 of 2022

14.12.2022