



WEB COPY



H.C.P.No.2044 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2044 of 2023

J.Suresh

..

Petitioner

v.

1. The Superintendent of Police
District Police Office
Nethimedu
Salem 636 002

2. The Inspector of Police
Yercaud Police Station
Yercaud
Salem District 636 601

3. Samuel

4. Stephen

5. Kishore Kumar

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce petitioner's wife Mrs.Gracy, D/o Mr.Ramesh, aged 27 years and my child Jabez (7 months old) under the illegal custody of respondents 3, 4 and 5 and set them at liberty.



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For Petitioner :: Mr.D.Stephen
For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind, Advocate

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This petition is filed by the husband alleging that his wife and child are under the illegal custody of his in-laws, who are also added as respondents 3 to 5. The respondents 3 to 5 are also present today.

2. It is admitted that the petitioner is the husband of the detinue by name Gracy and he married her on 22.06.2022. Out of wedlock, a male child was born on 20.04.2023. It is the case of the petitioner that soon after his wife was discharged from the hospital, she was taken and is now under the illegal custody of his in-laws. He also says that his in-laws are demanding 15 lakhs and also his sperms to his wife's elder sisters, who are not having child.

3. We are not inclined to go into the factual averments, having regard



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to the fact that the detenue, who is secured and produced before this Court, has expressed her unwillingness to go with the petitioner/husband. She stated that her husband has not seen her right from the date of “Valaikappu”. She states that she is, on her own, residing with her mother, as she cannot believe her husband.

4. Since it is not a case of illegal custody and the tender child is also with the mother, the detenue, this Court is not inclined to entertain this petition. Therefore, the habeas corpus petition is closed. It is open to the petitioner/husband to seek appropriate remedy before the Family Court, if he is so advised.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (S.M.,J.)
07.11.2023

SS

To



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High Court, Madras



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S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

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