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H.C.P.No.2321 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM :

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

H.C.P.No.2321 of 2023

P.Vijayakumar .. Petitioner

v.

1. The Commissioner of Police
Greater Chennai Police
No.132, Commissioner Office Building
EVK Sampath Road, Vepery
Chennai 600 007

2. The Inspector of Police
Aminjikarai Police Station
Chennai

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, directing the respondents herein to produce the body and person of the detenu by name Yashwant, son of P.Vijayakumar, aged about 10 years (minor) and Vrithika, daughter of P.Vijayakumar, aged about 8 years (minor) before this Hon'ble Court and hand over their custody to the petitioner.



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For Petitioner :: Mr.Krishnasamy Chinnasamy
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.)

The petitioner is the father of the detenus, who are the son and daughter, aged about 10 & 8 years respectively. The petitioner has married his wife by name Bhuvaneswari. It is his case that the petitioner was falsely implicated in a criminal case and thereafter was arrested and imprisoned. It was at that time, according to the petitioner, with the influence of wife's sister one Selvi, the children were taken by his wife. Stating that the children, who are studying in a private school, were taken to some other school by his wife, the petitioner has approached this Court with this petition.

2. Pursuant to the filing of this petition, the respondents have produced the wife and children of the petitioner. The petitioner's wife, who is present before this Court, made a statement that she is living away from



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her husband for more than two years and that the petitioner never cared for her children. She also stated that she was originally staying with her parents along with the children for sometime and that now, she has secured a job on her own to take care of the children and living in a separate house. She also heard about some criminal activities of the petitioner, but unable to ascertain the details, since the husband had never cared for her children. The wife of petitioner states that she was forced to take care of the children for all these years without the support of petitioner.

3. In such circumstances, this Court is of the view that it is not a case of illegal detention. Due to matrimonial discord, the petitioner's wife is independently living with the children, without troubling the petitioner. Therefore, this petition is motivated and cannot be entertained. Accordingly, the habeas corpus petition is dismissed.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (S.M.,J.)
14.12.2023

SS



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High Court, Madras



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S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

SS

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