



H.C.P.(MD) No.175 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.175 of 2023

M.Sathish Kumar

... Petitioner / Husband of the
Detenue

Vs.

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

2.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District-625 107.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents police to trace out the detenu, the petitioner's wife and minor two children, namely 1)Jeyani, D/o.Alagan, aged 25 years, 2)Minor S.Monisha, D/o.Sathishkumar, aged 8 years, 3) Minor S.Nisanth, aged 6 years and to produce the persons of bodies of the detenu before this Court and set them at liberty.



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For Petitioner : Mr.K.Abiya

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

This Habeas Corpus Petition has been filed seeking a direction to the respondent police to trace out the detenu, ie., the petitioner's wife and two minor children namely, Jeyani, D/o.Alagan, aged 25 years, Minor S.Monisha, aged 8 years, Minor S.Nisanth, aged 6 years, to produce the persons before this Court and set them at liberty.

2.Today when the case is taken up for hearing, Mr.A.Thiruvadikumar, learned Additional Public Prosecutor appearing for the respondents, has produced the detenues ie., the mother and two children before this Court.

3.When we enquired the mother viz., Jeyani, she stated that due to some misunderstanding between her and her husband, who is the petitioner herein, she left from the matrimonial home and resided there along with her



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mother viz., Packiyam. However, from there also, the detenu left to Ramanathapuram, where she claimed to have been staying in a friend's house.

4. When we asked her whether she wants to join with the petitioner/husband, she was not willing to go along with the petitioner, instead she wants to join with her mother Packiyam, who had also come before this Court and she submitted that if her daughter Jeyani and two children come and join with her, she will take care of at least for the time being.

5. Considering the said submission made by the detenu as well as her mother, we feel that the detenu can join with the said Packiyam, who is the mother of the first detenu and grandmother of the second and third detenues, minor children, for the welfare of every one and with regard to the plea of the petitioner he can work out his remedy in the manner known to law at a later stage. Accordingly, the following orders are passed in this Habeas Corpus Petition:



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“that the detenues are free to join with the mother of the first detenu and grandmother of the second and third detenues, minor children viz., Packiyam, where they can go and live on their free wish”.

6.With these observation and direction, this Habeas Corpus Petition is disposed of.

(R.S.K., J.) & (K.K.R.K, J.)

08.03.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District-625 107.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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