

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.286 of 2023

P.Saravanan

... Petitioner / Husband and Father of
the Detenues

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Tallakulam Police Station,
Madurai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the Respondents No.1 and 2 to produce the body or person of the detenues namely (1) Nagasundari wife of Saravanan aged 27 years, and the Petitioner's minor daughter (2) Sai Natchiya, aged 4 years before this Hon'ble Court and set the Petitioner's wife and daughter at liberty.

For Petitioner : Mr.K.Vinoharan

For Respondents : Mr.A.Thiruvadi Kumar,
1 & 2 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 respondents No.1 and 2 to produce the body or person of the detainees namely (1) Nagasundari, wife of Saravanan, aged 27 years, and the Petitioner's minor daughter (2) Sai Natchiya, aged 4 years, before this Court and set the Petitioner's wife and daughter at liberty.

2. Mr.K.Vinoharan, learned counsel appearing for the petitioner submits that the first detainee is the wife of the petitioner and the second detainee is the minor child of the petitioner and since for several months, after they left their matrimonial home, their whereabouts is not known and therefore, in order to ascertain their whereabouts, whether they having been in illegal custody or not, this Habeas Corpus Petition has been filed.

3. Heard Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, appearing for the respondents, who would submit that the detenues have been secured and brought before this Court.

4. When we enquired with the first detainee, who is the wife of the petitioner, who states that, due to some misunderstanding between the first detainee and the petitioner, she has left the matrimonial home along with the second detainee eight months back and for the past eight months she has been residing along with her parents at Kodaikanal, where she claims to have been working in a Jim.

5. So far as the re-union is concerned, the first detainee says that after some time the same would be considered and she would take a decision.

6. The petitioner also present before this Court, when he was enquired, he stated that if the first detainee wants to join with him, that is altogether a different issue, but insofar as the safety and security of the minor child i.e., the second detainee is concerned, he expresses certain apprehension against the family members of the first detainee and others.

7. Be that as it may, insofar as the detenues are concerned, since they have been residing at Kodaikanal along with the parents of the first detainee, it cannot be treated as an illegal custody and insofar as the other aspects viz., the reunion of the petitioner and first detainee and their matrimonial life and to lead the future life along with their child i.e., the second detainee, decision has to be taken both by the petitioner as well as the first detainee and in this context, it is up to them to conciliate themselves for the reunion, otherwise they can approach the concerned Court for appropriate relief.

8. Insofar as this Habeas Corpus Petition is concerned, in view of the aforesaid development, after having found that there has been no illegal custody of these detenues, this Court is inclined to close this Habeas Corpus Petition, accordingly, this Habeas Corpus Petition is closed.

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

29.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SJ

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
Tallakulam Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

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