



H.C.P.(MD) No.313 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Vigneswaran

... Petitioner / Husband of the
Detenu

Vs.

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

3.Saravanan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 & 2 to produce the body or person of the detenu namely Prema W/o. Vigneswaran, aged about 30 years, produce her before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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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 1 & 2 to produce the body or person of the detainee, namely, Prema W/o. Vigneswaran, aged about 30 years, before this Court and set her at liberty.

2. The second respondent has produced the detainee viz., Prema before this Court. We enquired with her. She stated that, she had gone to Hosur along with the third respondent and has been residing there for some time and when the police contacted her, at their instance, she has come before this Court.

3. The petitioner is the husband of the detainee and out of their wedlock they have two children at the age of 8 and 6 years. The petitioner is also present before this Court. He has stated that, he had strong belief and confidence over his wife all these years and that, now only everything has been revealed that the detainee girl has gone with the third respondent, who is the resident of the nearby locality.



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4. When that being so, having understood that, since the detainee on her own volition gone along with the third respondent, it cannot be treated as an illegal custody and therefore, in this context, it is for the detainee to decide about her future life.

5. Insofar as the children are concerned, the petitioner has expressed his desire to nurture them with due care.

6. The detainee girl has stated that, at present she wants to go along with her mother, who also come before this Court.

7. Recording the aforestated, since the detainee is not in illegal custody and she wants to go along with her mother and the petitioner also having known to these fact, he is satisfied that, she is not in illegal custody, and insofar as the strained relationship between him and the detainee is concerned, he wants to pursue the matter to have the personal remedy before the Court concerned. That has also been recorded before this Court and



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recording all these factors, we feel that, this Habeas Corpus Petition can be closed and accordingly, it is closed.

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

21.04.2023

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

To

- 1.The Superintendent of Police,
Dindigul District.
- 2.The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND

K.K.RAMAKRISHNAN, J.

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