

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

H.C.P.(MD)No.326 of 2023

A.R.Saravanakumar

.. Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai
Sivagangai District

2.The Inspector of Police,
Madhagupatti Police Station,
Madhagupatti,
Sivagangai District.

3.Ramkumar

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondents 1 and 2 herein to produce the petitioner's wife namely Karpagavalli / detenue aged about 29 years, wife of A.R.Saravanakumar before this Court and set her at liberty.

For Petitioner : Mr.A.R.Kannappan
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

This Habeas Corpus Petition has been filed for a direction to the respondents 1 and 2 herein to produce the petitioner's wife namely Karpagavalli / detenue aged about 29 years, wife of A.R.Saravanakumar before this Court and set her at liberty.

2. Pursuant to the order passed by this Court, today, when the Habeas Corpus Petition was taken up for hearing, the learned Additional Public Prosecutor has submitted that the detenue has been secured and has been produced before this Court.

3. When we enquired, she stated that she had a relationship with the third respondent with whom only she had been living for the past some time and she wants to continuously live with him.

4. Insofar as the pathetic condition faced by the two children, who born out of the wedlock of the petitioner and the detenue, it is the stand taken by the detenue that either the children have to be given to her, otherwise, they can be taken care of by the petitioner himself. However, she was very firm that she would not go back to the matrimonial home along with the petitioner or even to go with the parental home along with the mother of the detenue, who was also present before this Court.

5. In view of the stand taken by the detenue, we cannot come to a conclusion that there has been an illegal custody or confinement on the part of the detenue. Hence, recording the afore-stated, we feel that this petition is to be closed. Accordingly, the Habeas Corpus Petition is closed, however, it is open to the petitioner to work out his remedy in the manner known to law before the appropriate forum.

(R.S.K.,J.) (K.K.R.K.,J.)
21.03.2023

Index : Yes/No
Internet : Yes
RR

To

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

HCP(MD)No.326 of 2023

**R.SURESH KUMAR,J.
and
K.K.RAMAKRISHNAN,J.**

RR

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