



HcP (MD)No.676 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

HCP(MD).No.676 of 2023

D.Gabriel

: Petitioner

Vs

1.The Superintendent of Police,
Korampallam
Thoothukudi
Thoothukudi District

2.The Inspector of Police,
Arumuganeri Police Station
Thoothukudi District

3.Sathasivam @ Samuel

: Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Habeas Corpus to direct the respondents to produce the body or person of the petitioner's wife, viz., Roobi Jayamary (aged 29/2023) and minor children Alwin Samuel (aged 8/2023) and Ruben David (aged 6/2023) and set them at liberty.



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For Petitioner : Mr.M.P.Senthil
For Respondents : Mr.RMS.Sethuraman for R1 & R2
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

This petition has been filed to direct the respondents to produce the body or person of the petitioner's wife, viz., Roobi Jayamary (aged 29/2023) and minor children Alwin Samuel (aged 8/2023) and Ruben David (aged 6/2023) and set them at liberty.

2. The alleged detenues are the wife and two minor sons of the petitioner herein. It is stated that owing to certain matrimonial dispute between the petitioner and his family, his wife and two minor children had left the matrimonial home.

3. During the pendency of this Habeas Corpus Petition, we had instructed the second respondent to search for the whereabouts of the detenus. Today, the detenus, namely, the petitioner's wife and two minor sons were produced before this Court.

4. The learned Additional Public Prosecutor, on instructions, submitted



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that the petitioner's wife had gone to Erode and with the help of one Marimuthu, she had taken a rental house at Amaravathi Nagar, R.N.Pudur Taluk, Erode and is staying there with the children and she has also admitted her two minor children in a School, namely, Panchayat Union Middle School, Indirapuram Erode.

5. The wife of the petitioner has also expressed her wish that she does not intend to live with the petitioner herein owing to matrimonial dispute. When she has consciously taken a decision to live away from the petitioner, this Court may not be justified in forcing her to live with the petitioner. Insofar as the minor children are concerned, it is always open to the petitioner to invoke appropriate forum seeking for custody, if he chooses to do so.

With the above observation, this petition is closed.

[M.S.R.,J] [M.N.K.,J]

04.07.2023

Index : Yes / No
Internet : Yes
RR

To
1. The Superintendent of Police,

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Korampallam
Thoothukudi
Thoothukudi District

- 2.The Inspector of Police,
Arumuganeri Police Station
Thoothukudi District
- 4.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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M.S. RAMESH, J.
AND
M.NIRMAL KUMAR, J.

RR

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