



H.C.P.(MD) No.699 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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N.Nelson

... Petitioner / Husband and father
of the detinue

Vs.

1.The Superintendent of Police,
Kanyakumari District.

2.The Inspector of Police,
Thuckalay Police Station,
Thuckalay, Kanyakumari District.

3.The Sub-Inspector of Police,
Thuckalay Police Station,
Thuckalay, Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the petitioner's wife, Jenesh Vimal (age 31) and the petitioner's children, Jeriya Sherin (age 9) and Nersia Jeslin (age 1 ½ years) before this Court and set them at liberty.



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For Petitioner : Mr.G.Cenil

For Respondents : Mr.RMS.Sethuraman

Additional Public Prosecutor

For Detenue : Mr.S.Suresh Kumar

ORDER

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

The petitioner, seeking production of his wife, Jenesh Vimal and his children, Jeriya Sherin and Nersia Jeslin, has filed this Habeas Corpus Petition.

2.Today, when the matter is taken up for hearing, the respondent Police has produced the detenues ie., wife and children of the petitioner.

3.The 1st detenue / wife of the petitioner, namely, Jenesh Vimal, has stated before this Court that she had married one Vinoth. Out of the wedlock she gave birth to the 2nd detenue. Thereafter, the said marriage got dissolved and divorced sometime before 2017. Thereafter, in the year 2017 the 1st detenue married the petitioner and out of that wedlock, she gave birth to the 3rd detenue. She further stated that for the past more than two years, very often the petitioner is giving torture to the 1st detenue coming in drunken mood.



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4. Therefore, she decided to stay herself aloof along with the children. Therefore, she has taken a rental house at Nagercoil and she is residing there along with her children. She also claimed that she is a Teacher by profession and she has been working. Therefore, she can look after her along with children and she does not want to go and join with the petitioner. For other personal remedies the 1st detainee stated that she would approach the concerned Court under the personal law.

5. The said statement made by the 1st detainee is recorded.

6. In view of the same, we feel that since the 1st detainee as well as her children, who are the detainees 2 and 3 are not in illegal custody at the hands of anyone, this Habeas Corpus Petition by recording the same can be closed, accordingly, it is closed.

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

15.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

MYR

To

1.The Superintendent of Police,
Kanyakumari District.

2.The Inspector of Police,
Thuckalay Police Station,
Thuckalay, Kanyakumari District.

3.The Sub-Inspector of Police,
Thuckalay Police Station,
Thuckalay, Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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