



Cont.P(MD)No.1730 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.03.2023

CORAM

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

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A.Souriraj

.. Petitioner

Vs.

1.Muthusamy
Inspector of Police,
Samayapuram Police Station
Lalgudi Taluk, Trichy District.

2.A.Rajamanickam

3.Royal Prasanth

.. Respondents

Petition filed under Section 11 of Contempt of Courts Act, 1971 to punish the contemnors 1 to 3/respondents 2 to 4 herein for wilful disobedience of the order dated 18.10.2022 passed in HCP (MD) No. 1597/2022.

For Petitioner : Mr.C.Iyyapparaj

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor
for R1
Mr.B.Jameelarasu for R2



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ORDER

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

This contempt petition has been filed for the alleged disobedience of the order passed in HCP No.1597/2022. The said Habeas Corpus Petition was filed with a prayer directing the respondents 1 and 2 to take necessary steps to produce the body or person of the petitioner's minor sons, namely, (1) Kevinvarne aged 14 years and (2) Castro Bensikar, aged 12 years before this Court from the illegal custody of the respondents 3 and 4 and hand over the custody to the petitioner.

2. In the said Habeas Corpus Petition, the minor children, who were the detenues, had been produced before this Court and they have been handed over to the petitioner father, who had happily taken them and it is submitted by the learned counsel for the petitioner that even now they are residing with the petitioner, ie., the main concern of this Court in exercising the power under Article 226 of the Constitution of India in the Habeas Corpus Petition, which had been exercised.



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3. As a peripheral, some other measures for the welfare of the family also seems to have been suggested. One such suggestion was that the amount lying in the account of the petitioner's wife should be given to the petitioner and that seems to have been agreed by the mother of the petitioner and now according to the learned counsel for the petitioner, the mother has not agreed and therefore, the bank authorities are not permitting the petitioner to withdraw the amount that is why the contempt petition has been filed stating that there is violation on the part of the respondents. We are of the considered view that insofar as the prayer that has been sought for by the petitioner has been accomplished and the detenues/children were produced before this Court and handed over to the petitioner, who are happily residing with him.

4. When that being so, the peripheral measure, which has been agreed by the mother of the petitioner and that is the matter between the petitioner and the other persons including the mother of the petitioner and in this regard, if at all, still the petitioner has got any grievance with regard to the property movable or immovable, that should be sort out by the petitioner before the appropriate forum. Therefore, the contempt jurisdiction cannot



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be invoked for the said purpose. In that view of the matter, we do not find any reason to keep this contempt petition pending any more. Hence, the contempt petition stands closed.

(R.S.K.,J.) (K.K.R.K.,J.)
23.03.2023

Index : Yes/No
Internet : Yes
RR



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and
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RR

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