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H.C.P.No.2532 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2024

CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

H.C.P.No.2532 of 2024

Mr.V.Jagatheesan .. Petitioner

v.

1. The State rep by
The Superintendent of Police
O/o The Superintendent of Police
Salem District, Salem-2
2. The Deputy Superintendent of Police
O/o The Deputy Superintendent of Police
Mettur Sub Division, Mettur Taluk
Salem District
3. The Inspector of Police
Mecheri Police Station
Mecheri Post, Mettur Taluk
Salem District 636 451
4. M.Durgadevi
5. A.Raghul .. Respondents

Petition filed under Article 226 of the Constitution of India, praying



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for issuance of a Writ of Habeas Corpus, directing the 1st to 3rd respondents to produce the body or person of the petitioner's son, namely, J.Sathyan, aged about 7 years, who is in the illegal custody of the 4th and 5th respondents before this Hon'ble Court and hand over the custody of detenu to the petitioner.

For Petitioner :: Mr.G.Kesavan

For Respondents :: Mr.E.Raj Thilak
 Additional Public Prosecutor
 for R1 to R3
 Ms.V.Poornimadevi for R4
 R5-Not ready in notice

ORDER

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

The habeas corpus petition is filed to direct the respondents 1 to 3 to produce the minor boy, namely, J.Sathyan, aged about 7 years.

2. The petitioner, the fourth respondent/wife of the petitioner along with the minor detenu are present before this Court. The parents of the fourth respondent are also present before this Court. We have examined the parties. The minor boy, aged about 7 years, in clear terms said that he is willing to stay along with his mother/fourth respondent. The boy is capable



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of understanding the facts and he said that he will go along with his mother.

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3. We have examined the parents of the fourth respondent, who in turn are raising certain allegations against their own daughter. The petitioner is the husband of the fourth respondent. The fourth respondent is not willing to resume the matrimonial life. She also raised several allegations against the petitioner.

4. All such matrimonial issues are to be adjudicated and resolved by approaching the competent Court of law. As far as the illegal detention is concerned, the detenu boy, aged about 7 years, is not under illegal detention, as he is living with his own mother and on enquiry also, he said that he is willing to go along with his mother. That being so, the parties are at liberty to redress their grievances by approaching the competent Court of law. The habeas corpus petition stands disposed of.

Index : yes
Neutral citation : yes/no
SS

(S.M.S.,J.) (V.S.G.,J.)
21.10.2024



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To
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Salem District 636 451
4. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

V.SIVAGNANAM,J.

SS

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