



WEB COPY



HCP.No.2677 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2677 of 2024

R.Prabhakaran

...

Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur District.

2.The Inspector of Police,
Vellakovil Police Station,
Kangeyam Taluk,
Tiruppur District.

3.Kaviraj

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to produce the petitioner's wife R.Gayathri aged 23 years and the petitioner's minor Daughter, namely, Minor P.Yashika, aged 2 ½ years before this Court and set them at liberty.

For Petitioner

: Mr.C.D.Modhi

For R1 & R2

: Mr.R.Muniyapparaj
Additional Public Prosecutor

For R3

: Mr.S.Nirmal Aditya



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ORDER

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

The Writ of Habeas Corpus has been instituted to produce the petitioner's wife Mrs.R.Gayathri, aged about 23 years and his minor daughter, P.Yashika, aged about 2 ½ years.

2.The second respondent police secured the detenues and produced before this Court. The marriage between the petitioner and the detinue Mrs.R.Gayathri was solemnised and from and out of their wedlock, one female child was born, now aged about 2½ years. The detinue made a statement before this Court that she was being harassed by the petitioner/her husband and therefore, she is not willing to resume the matrimonial home. She has taken a decision to reside along with her mother. Since the detinue expressed her willingness to join her mother presently in view of the matrimonial dispute with her husband, we find that the detinue Mrs.R.Gayathri is not under illegal detention.

3.Moreso, the female child is aged about 2 ½ years and the child must be ordinarily with the custody of the mother in view of Section 6 (a) of the Hindu



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Minority and Guardianship Act. Therefore, the petitioner shall not disturb the custody of the minor child aged about 2 ½ years, who is now with the custody of the detenue/mother of the child.

4. Accordingly, the Habeas Corpus Petition stands disposed of.

[S.M.S., J.] [M.J.R., J.]
20.11.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur District.

2. The Inspector of Police,
Vellakovil Police Station,
Kangeyam Taluk,
Tiruppur District.

3. The Public Prosecutor,
Madras High Court.



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