



H.C.P.(MD).No.125 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.03.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

H.C.P.(MD).No.125 of 2024

Selvakumar

.. Petitioner/Husband & Father of Detenu

Vs.

1.The Superintendent of Police,
Korampallam,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
Thiruchendur Taluk Police Station,
Thiruchendur,
Thoothukudi.

3.Manikandan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the Respondent Nos.1 and 2 to produce the person or body of the detenu, by name, Sheeba W/o Selvakumar aged 33 years and Minor Joshena D/o Selvakumar aged 7 years as they are in illegal custody of 3rd Respondent.



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For Petitioner : Mr.V.Rajiv Rufus
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The petitioner had given a complaint that the third respondent enticed his wife, who is the mother of two children and that both have eloped along with his 7 years old minor daughter. On registration of the complaint, the Habeas Corpus Petition was also filed.

2.The respondent police has traced the wife of the petitioner along with 7 years child near Alandur at Chennai, who were under the custody of the third respondent. The petitioner, third respondent, wife of the petitioner, and two children are present today. The wife of the petitioner states that she is not ready to join with the petitioner and is willing to leave the custody of the minor daughter with the petitioner. The petitioner is ready to take the custody of the minor daughter and workout his remedy in the manner known to law, since his wife is not willing to join with him.



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3. In view of the fact that the wife of the petitioner is a major and has taken the decision to part with her husband and leave the custody of the minor daughter with her husband, nothing survives in this Habeas Corpus Petition. Hence, this Habeas Corpus Petition is dismissed.

(G.J.,J.) (C.K.,J.)
15.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
skn

To

- 1.The Superintendent of Police,
Korampallam,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Thiruchendur Taluk Police Station,
Thiruchendur,
Thoothukudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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