



H.C.P.(MD) No.425 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

H.C.P.(MD) No.425 of 2024

Sasikumar

... Petitioner

-VS-

1.The Commissioner of Police,
Madurai City,
Madurai District.

2.The Inspector of Police,
Teppakulam Police Station,
Madurai 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 body or perosn of detenues namely (1)Santhiya W/o. Sasikumar aged about 24 years, (2) Barathisri, D/o. Sasikumar, aged about 2^{1/2} years and another child (3) Ravanan, S/o.Sasikumar aged about 1^{1/2} years before this Court and hand over custody of their minor children to the petitioner herein and set them at liberty.



H.C.P.(MD) No.425 of 2024

WEB COPY

For Petitioner :Mr.M.Gandhirajan

For Respondents :Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Habeas Corpus Petition has been filed by the petitioner/husband seeking production of his wife Santhiya aged about 24 years, his female daughter Barathisri, aged about 2^{1/2} years and male child Ravanan, aged about 1^{1/2} years

2. The case of the petitioner is that he got married to the alleged first detainee who is her cousin in the year 2020 while she was working in the Ragaventra Hospital and out of the wedlock they were blessed with one female child and one male child. Further on 16.03.2024 the first detainee had gone with the children for her work and she had not returned back to home and despite search she was unable to be found. Later during enquiry he came to know that his wife had developed illicit intimacy with one Santhosh who was his neighbour and that they have eloped from home. The petitioner had given complaint on



H.C.P.(MD) No.425 of 2024

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17.03.2024 to the respondent police and they registered a case in Crime No.121 of 2024 under Women and children missing, however, no action has been taken, hence the present habeas corpus petition has been filed.

3. Today when the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that based on the complaint given by the petitioner a case in Crime No.121 of 2024 was registered under Women Missing and children. During the course of investigation it was found that the alleged detainee had eloped with one Santhosh who is her neighbour and that they were traced at Thenkaraikottai in Dharmapuri District and they were produced before this Court.

4. We enquired the alleged detainee Santhiya and the first child. The alleged detainee Santhiya submitted that the petitioner is her cousin and she got married to him in the year 2020 and the petitioner got addicted to alcohol and he had constantly harassed her, due to which she had left the matrimonial home along with Santhosh who was her neighbour and she further stated that she is not under the illegal detention of anybody.



H.C.P.(MD) No.425 of 2024

WEB COPY

5. Having found some minor injuries in the left hand of the second detenue namely Barathisri, aged about 2^{1/2} years, we enquired the minor in the chambers and during enquiry she expressed some disturbing facts and we felt that the welfare and safety of the child had to be taken care. The parents of Santhiya and the mother of the petitioner Sasikumar were also present before this Court. They are also relatives. The parents of Santhiya are running grocery shop and they are found to be people of means who can take care of the child. In the interest and welfare and safety of minor daughter and in the interest of justice, we found it appropriate to hand over the custody of the minor daughter namely Barathisri, second detenue to V.Sudalaikumar and S.Balammal who are parents of Santhiya. The parents of the petitioner also have no objection in the custody of the child being with the parents of Santhiya and they also requested that they may be permitted to visit their grand daughter preferably in the evening hours without disturbing anybody.



H.C.P.(MD) No.425 of 2024

WEB COPY

6. We find that the alleged detenu is not under illegally detention of anyone and she has also joined with her parents. Therefore, this habeas corpus petition is closed

[A.D.J.C., J.] [K.R.S., J.]
12.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

- 1.The Commissioner of Police,
Madurai City,
Madurai District.
- 2.The Inspector of Police,
Teppakulam Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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H.C.P.(MD) No.425 of 2024

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H.C.P.(MD) No.425 of 2024

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