



H.C.P.(MD) No.677 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.677 of 2024

G.Manikanda Boopathy

... Petitioner

-vs-

- 1.The Superintendent of Police (SP)
Dindigul Collectorate
Dindigul District-624 004
- 2.The Inspector of Police
Dindigul Taluk Police Station
Dindigul-624 001
- 3.The Deputy Superintendent of Police (DSP)
Beach Road, Opposite Light House
Kanniyakumari District-629 702
- 4.The Inspector of Police
Kulasekaram Police Station
Arasamedu, Kulasekarm
Kanniyakumari District-629 161
- 5.G.Devi @ Laranya



H.C.P.(MD) No.677 of 2024

WEB COPY

6.G.Bhagavathiammal

7.S.Jeyakumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 4 to produce the person or body of the petitioner's five years old son, namely, Tejas, son of G.Manikanda Boopathy, who is born on 01.01.2019 and missing from April, 2019, before this Court and hand over the custody to the petitioner.

For Petitioner : Ms.G.Kavitha

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor for R1 to R4

ORDER

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

The petitioner has filed this habeas corpus petition seeking a direction to the respondents 1 to 4 to secure his son, namely, Tejas, aged about five years, produce him before this Court and hand over his custody with the petitioner.



H.C.P.(MD) No.677 of 2024

WEB COPY

2. It is the case of the petitioner that he got married with the fifth respondent on 21.08.2016 and out of their wedlock, a male child (detenu) was born to them on 01.01.2019. After the birth of their son, the fifth respondent had refused to come back to the matrimonial home and denied all reunion efforts. It is the further case of the petitioner that his sons's life is endangered by the private respondents. Hence, apprehending that his son is alive or not, on 02.04.2024, he sent a detailed representation to the respondents 1 to 4 seeking to secure his son from the respondents 5 to 7. However, no fruitful action was taken by the respondent – Police thereafter. Hence, this habeas corpus petition.

3. At the outset, it is to be noted that on a reading of the detailed affidavit filed in support of the habeas corpus petition, we find that there is a matrimonial dispute between the petitioner and the fifth respondent. In such circumstances, the petitioner has filed this habeas corpus petition indirectly seeking custody of his son from his wife, which issue cannot be decided in a habeas corpus petition. Further, the petitioner, without approaching the appropriate forum, has made an attempt to circumvent the process of the Court. Hence, we are not inclined to entertain the present habeas corpus petition.



WEB COPY



H.C.P.(MD) No.677 of 2024

4. Accordingly, the habeas corpus petition is dismissed.

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

12.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:

- 1.The Superintendent of Police (SP),
Dindigul Collectorate,
Dindigul District-624 004.
- 2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul-624 001.
- 3.The Deputy Superintendent of Police (DSP),
Beach Road, Opposite Light House,
Kanniyakumari District-629 702.
- 4.The Inspector of Police,
Kulasekaram Police Station,
Arasamedu, Kulasekarm,
Kanniyakumari District-629 161.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD) No.677 of 2024

A.D.JAGADISH CHANDIRA, J.
AND
K.RAJASEKAR, J.

krk

H.C.P.(MD) No.677 of 2024

12.06.2024