



H.C.P.(MD) No.722 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2024

CORAM:

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

H.C.P.(MD) No.722 of 2024

Victor

... Petitioner

-VS-

1.The Superintendent of Police
Tirunelveli District

2.The Inspector of Police
Munnirpallam Police Station
Tirunelveli District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents Police to produce the person or body of the petitioner's wife, namely, Princely, wife of Victor, aged 31 years and the petitioner's son, namely, Kevin, son of Victor, aged 2 years, before this Court and set them at liberty.



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For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

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 to secure his wife Princely, aged 31 years and minor son Kevin, aged 2 years, produce them before this Court and set them at liberty.

2. It is the case of the petitioner that he is a mason by avocation. He got married with the first detenu on 28.04.2024 and out of their wedlock, the second detenu was born to them. On 16.01.2024, he left his wife and minor son at his father-in-law's house and went for work in Karaikal. On 04.05.2024, he came to know that on 28.04.2024, his wife went for an interview along with her minor child, but thereafter, she did not come to home. Though he along with his family members and friends searched for her, he could not find out her whereabouts. Therefore, on 06.05.2024, he



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lodge a complaint before the second respondent, however, no action was taken by the respondent – Police. Hence, this habeas corpus petition.

3. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, who takes notice for the respondent – Police, on instructions, would submit that the complaint lodged by the petitioner has been taken on file in C.S.R.No. 228 of 2024 and the first detainee was traced at Puducherry along with her minor child and accordingly, she is being produced before this Court along with her minor child.

4. We enquired the first detainee. On enquiry, she submitted that earlier, she got married with one Prabhakaran. However, subsequently, on a compulsion by her parents, she was married to the petitioner and immediately after conceiving, she had been living with her parents and now, she is living with the said Prabhakaran along with her child. She further submitted that she is not in illegal detention of anybody. Being a mother and natural guardian, she is taking care of her minor child.



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5. In view of the above submission, we are of the view that the detenues are not in illegal detention of anybody. Hence, this habeas corpus petition is closed. However, the petitioner is at liberty to move appropriate forum seeking for custody of the child in accordance with law.

[A.D.J.C., J.]

[K.R.S., J.]

24.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Munnirpallam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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