



H.C.P(MD)No.730 of 2025

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 26.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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P.Sankarapandi

... Petitioner

-VS-

1.State of Tamil Nadu rep. by
The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Elumalai Police Station,
Madurai District,

3.Vinod

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detenues namely, Minor.Nitharsana D/o P.Sankarapandi aged about 16 years and Minor.Sevamuni S/o P.Sankarapandi aged about 9 years before this Court from the illegal custody of the third respondent and hand over them

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custody to the petitioner/father.

For Petitioner : Mr.R.Gowrishankar
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

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

This petition is filed to direct the respondents 1 and 2 to produce the body or person of the detenues namely, Minor.Nitharsana D/o P.Sankarapandi aged about 16 years and Minor.Sevamuni S/o P.Sankarapandi aged about 9 years before this Court from the illegal custody of the third respondent and hand over them custody to the petitioner/father.

2. The case of the petitioner is that he got married to one Ramya and out of wedlock, they got two children namely, Minor.Nitharsana D/o P.Sankarapandi aged about 16 years and Minor.Sevamuni S/o P.Sankarapandi aged about 9 years. The petitioner is working as Driver in State Transport Corporation in Coimbatore. While being so, in the month of April 2025, when the petitioner went for duty at



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Coimbatore, he came to know that his wife developed illicit intimacy with the third respondent and she eloped with the third respondent to somewhere and she had forcibly had taken the minor children along with valuables. Hence, the petitioner had given a complaint before the respondent police but, the respondent Police had neither taken any action on the complaint nor made any attempt to find out the whereabouts of the children and thereby, the present Habeas Corpus Petition is filed.

3. Mr.R.Gowrishankar, learned counsel appearing for the petitioner submits that the petitioner got married to one Ramya and out of wedlock, two children were born. Thereafter, he came to know that his wife developed illicit intimacy with the third respondent and she eloped with the third respondent along with children and she had also taken valuables from the house. Despite the complaint given by the petitioner to the second respondent, no action has been taken. Hence, the present Habeas Corpus Petition is filed.



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4. Per contra, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 on instructions, would submit that on 03.06.2025, the petitioner's wife namely, Ramya, had given a complaint to All women Police Station, Usilampatti, stating that she was married to the petitioner and since he had continuously harassed her and had inflicted matrimonial cruelty on her and that he had also taken jewels belonging to her and driven her out of the matrimonial home and he had continuously given trouble to her. Based on the complaint given by the petitioner's wife, an enquiry was conducted in C.S.R.No. 203 of 2024 and the petitioner was summoned for enquiry. During the enquiry, he had undertaken that he will not harass his wife and children. Further, he had also appeared before the respondent Police on 10.06.2025 and during the enquiry, he had undertaken that he will give maintenance for family expenses to his wife and children and that he had also undertaken that he will not create any problem to his wife. The petitioner is well aware that his wife had gone on her own volition and she was unwilling to live with him on account of the harassment made by the petitioner. But he has now come out with this false petition alleging that children are kept in illegal custody of his wife. He would further submit that the petitioner is well aware of everything. The enquiry was conducted on 10.06.2025, he has



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WEB COPY filed this Habeas Corpus Petition on 19.06.2025 with false averments.

5.The petitioner's wife and his two children namely, Minor.Nitharsana and Minor.Sevamuni are present before this Court. We enquired the alleged missing person. During the course of enquiry, it came to light that wife of the petitioner and his children had left the matrimonial home only on account of the matrimonial cruelty and harassment caused by the petitioner and that the petitioner is also well aware of that his wife is living separately along with children and they have also expressed their unwillingness to go along with the petitioner. We find that the process of this Court is misused by the petitioner. Hence, this Court is inclined to dismiss this petition by imposing a cost to be paid by the petitioner.

6.Accordingly, this Habeas Corpus Petition is dismissed by imposing a cost of Rs.40,000/- on the petitioner payable to the detenues namely, Minor.Nitharsana D/o P.Sankarapandi aged about 16 years and Minor.Sevamuni S/o P.Sankarapandi aged about 9 years, (each Rs.20,000) by the petitioner within a period of one week from the date of receipt of a copy of this order.



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7.List the petition on **11.07.2025**, 'for reporting compliance'.

[A.D.J.C., J.] [R.P., J.]
26.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vsg

Note:Issue Order Copy on 27.06.2025.

To:

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



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R.POORNIMA, J.

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