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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 30.08.2013
CORAM:

THE HONOURABLE MR. JUSTICE S.RAJESWARAN
and
THE HONOURABLE MR. JUSTICE T.MATHIVANAN

H.C.P. (MD) No.895 of 2013

Ravikumar ... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Gujiliamparai Police Station,
Dindigul District.

3.Athulya @ Raji

4.Vinil Kumar ... Respondents

PRAYER: The Habeas Corpus Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the body and person of the detenues namely, Sruthi aged about 8 years and Karthika aged about 5 years, daughters of Ravikumar before this Court and hand over the custody of the detenues to the petitioner.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.K.S.Duraipandian, APP for R1 and R2
No appearance for R3 and R4

ORDER

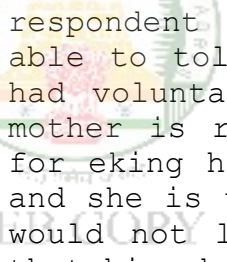
(Order of this Court was made by **S .RAJESWARAN, J.**)

This petition has been filed by the petitioner / father to produce his minor children viz., Sruthi, aged about 8 years and Karthika aged about 5 years, said to be kept under the illegal custody of the 3rd respondent.

2.According to the petitioner, he has married the 3rd respondent at Kerala on 28.11.2004 and they were blessed with the detenues. Due to some misunderstanding between them, the 3rd respondent has left the matrimonial home and went to her native place at Kerala. For the last one year, she has been living there. Not being able to get in touch with the wife and the children he has filed the present petition for the above said prayer.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Today the respondent Police has produced the detenues along with the 3rd respondent before this Court. On enquiry, the mother, the 3rd



respondent / wife of the petitioner would clearly state that not being able to tolerate the character of the petitioner / husband, she herself had voluntarily left the matrimonial home and gone to Kerala where her mother is residing, one year back. Now she is driving an auto herself for eking her livelihood. The minor children are studying in the school and she is taking care of them. She has also made it very clear that she would not like to go with the petitioner / her husband for the reason that his character and conduct are not good.

4.The petitioner who is also present before this Court, was also called and apprised of these facts. Though he wants to live with his wife and the children, the third respondent is not willing and she wants to continue to live with her mother in Kerala along with her children. Therefore, in view of the categorical statement made by the 3rd respondent / wife of the petitioner, nothing remains to be considered in the petition, excepting, closing the same and directing the petitioner to work out his remedy in the manner known law.

5.The Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(AE)

\\True copy\\

Sub Assistant Registrar

To

1.The Superintendent of Police, Office of the Superintendent of Police, Dindigul District.

2.The Inspector of Police, Gujiliamparai Police Station, Dindigul District.

3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai

H.C.P. (MD) No.895 of 2013
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nbj

NA/24/03/2014/P2/4C