

M.Kumar Vs. State

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Court : Chennai

Decided On : Jun-17-2013

Judge : V.Dhanapalan

Appellant : M.Kumar

Respondent : State

Judgement :

In the High Court of Judicature at Madras Dated:

17. 06.2013 Coram :- THE HON'BLE MR.JUSTICE V.DHANAPALAN and THE HON'BLE MR.JUSTICE C.T.SELVAM Habeas Corpus Petition No.301 of 2013 M.Kumar .. Petitioner -vs- 1. The State Rep. by The Superintendent of Police, Kancheepuram Kancheepuram District.

2. The Inspector of Police Maraimalai Nagar Police Station, Maraimalai Nagar, Kancheepuram District.

3. Bhoopathy @ Manoj .. Respondents Prayer: Habeas Corpus Petition is filed under Article 226 of Constitution of India, seeking a direction to the second respondent to physically bring the body of petitioner's wife, namely, Saral Dyana, aged about 28 years and petitioner's son Mithileshwar, aged about 5 years before this Hon'ble court and hand over his custody to the petitioner. For Petitioner : Mr.S.Sugendran For R1 & R2 : Mr.A.N.Thambidurai Addl. Public Prosecutor ****

ORDER

(Order of the Court was made by V.Dhanapalan,J.) The petitioner moved this application for a direction to the second respondent to physically bring the body of petitioner's wife, namely, Saral Dyana, aged about 28 years and petitioner's son Mithileshwar, aged about 5 years before this Hon'ble court and hand over their custody to the petitioner.

2. The learned Additional Public Prosecutor has produced the detainee, namely, Mrs.Saral Dyana, wife of the petitioner along with their son Mithileshwar.

3. On being enquired with Mrs.Saral Dyana, she has stated that both the petitioner and detainee fell in love with each other, which ended in their espousal on 02.11.2005. Out of wedlock, they were blessed with one male child on 16.04.2008, named as Mithileshwar. She also showed her inclination to go with her husband / petitioner along with her son in the event of petitioner assuring to maintain a healthy and peaceful atmosphere in the matrimonial home.

4. The petitioner / husband of detainee Mrs.Saral Dyana also undertakes to keep his wife and son in his matrimonial home and provide comfort and protection for them in order to lead a robust life.

5. Considering the fact that the couple, namely, the petitioner and detainee agreed to reunite in their wedded life, we feel it appropriate to set the detainee Mrs.Saral Dyana at liberty to go with her husband / petitioner along with her son Mithileshwar.

6. The Habeas Corpus Petition is allowed accordingly. No costs. ar To 1. The Superintendent of Police, Kancheepuram Kancheepuram District.

2. The Inspector of Police Maraimalai Nagar Police Station, Maraimalai Nagar, Kancheepuram District

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