

Chithirakannan Vs. 1. the District Superintendent of Police,

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Court : Chennai

Decided On : Jan-03-2013

Judge : M.Jaichandren

Appellant : Chithirakannan

Respondent : 1. the District Superintendent of Police,

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:

03. 01/2013 CORAM THE HONOURABLE MR.JUSTICE M.JAICHANDREN and
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU H.C.P(MD)No.1438 of 2012
Chithirakannan .. Petitioner vs.

1. The District Superintendent of Police, Trichy & District. 2.The Inspector of Police, Manapparai Police Station, Trichy District. 3.Kumaresan 4.Dheenadayalan 5.Nandakumar 6.Saraswathay .. Respondents (R1 given up) 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 and person of the petitioner's wife Revathi, aged 34, the petitioner's minor daughter madhumitha aged 8, now residing at Vadakkulakshmipuram, Mnapparai, Trichy District before this Court and set them at liberty. !For petitioner ... Mr.N.Balakrishnan ^For respondents... Mr.R.Ramachandran, Addl.Public Prosecutor :ORDER (Order of the Court was made by M.JAICHANDREN, J) This Habeas Corpus Petition has been filed praying that this Court may be pleased to produce the detainee, namely, Revathi,

aged about 34 years, as well as her minor daughter, namely, Madhumitha, aged about 8 years, before this Court and to set them at liberty.

2. Today, when the matter was listed for hearing, the second respondent police has produced the detinue and her daughter, before this Court. On enquiry, the detinue, the wife of the petitioner, had stated that she is living with her mother, namely, Saraswathy, the sixth respondent herein, along with her daughter, at Manapparai. She had further stated that the petitioner had filed HMOP NO.234 of 2011, before the Subordinate Judge, Pudukottai, for restitution of conjugal rights and the matter is pending adjudication.

3. In such circumstances, this Court is of the view that the present Habeas Corpus Petition is devoid of merits and therefore, it is liable to be dismissed. Hence, the Habeas Corpus Petition is dismissed. However, it is made clear that it would be open to the petitioner to pursue the HMOP No.234 of 2011, before the Sub Court, Pudukottai, in accordance with law. jkr To 1. The District Superintendent of Police, Trichy & District. 2.The Inspector of Police, Manapparai Police Station, Trichy District. 3.The Additional Public Prosecutor, Madurai Bench of the Madras High Court, Madurai.

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