

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.06.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P. No.1138 of 2015

Manimegalai

...Petitioner

-v-

1.The Superintendent of Police,
Dharmapuri,
Dharmapuri District.

2.The Inspector of Police,
Kambainallur Police Station,
Harur Taluk,
Dharmapuri District.

3.Madhu

4.Kalyani

5.Suresh

6.Singaravelan

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the respondents to secure the petitioner's daughter Mavithra aged 5 years and son Tharun aged 2 years and produce them before this Court and to set them at liberty.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.M.Maharaja
Addl. Public Prosecutor
for R1 & R2

O R D E R
(Order of the Court was made by S.TAMILVANAN,J.)

This petition has been filed under Article 226 of the Constitution of India, directing the respondents to secure the petitioner's daughter Mavithra, aged 5 years and son Tharun, aged 2 years and produce them before this Court and to set them at liberty.

2.It is an admitted fact that the petitioner is facing criminal case on the allegation of murdering her husband, viz., the father of the minor children viz., the detenues in this case, and they are in custody of their paternal grand parents, who are arrayed as respondents 3 to 6 in this H.C.P. Now, the children are in custody of the paternal grant parents as there is a murder case registered against the petitioner/mother of the alleged detenues, i.e., Mavithra and Tharun and the said children's father is no more.

3.Therefore, we are of the view that there is no presumption that the respondents 3 to 6 have an illegal detention of the children. However, it is open to the petitioner to approach appropriate forum seeking her remedy. It is also brought to the notice of this Court that Guardian O.P. is also pending. On the aforesaid circumstances, we are of the view that there is no illegal detention by anybody. Further, we are of the considered view that filing this type of petition would be construed only as an abuse of process of law.

4.With the above observation, this petition is dismissed.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Dharmapuri,
Dharmapuri District.

2.The Inspector of Police,
Kambainallur Police Station,
Harur Taluk,
Dharmapuri District.

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

H.C.P. No.1138 of 2015

TM (CO)
PSI (23.06.2015)



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