



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 27.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM  
and  
THE HONOURABLE MR.JUSTICE V.S.RAVI

HABEAS CORPUS PETITION (MD) No.580 of 2015

Sivashanthi

.. Petitioner

Vs.

1.The Commissioner of Police,  
Madurai City, Madurai.

2.The Inspector of Police,  
All Women Police Station,  
Tallakulam, Madurai.

3.R.Deivam  
4.Ramadevar  
5.Vellathai  
6.R.Seenivasan  
7.R.Kubendran  
8.Amsavalli

.. Respondents

Prayer:- Habeas Corpus Petition is 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 petitioner's minor son, detenu namely Risvanth Deiva, aged about 7 years and handover the custody to the petitioner.

For Petitioner : Mr.L.George Paul Anto

For RR 1 & 2 : Mr.T.Mohan  
Additional Public Prosecutor

For R - 3 : Mr.R.Gandhi

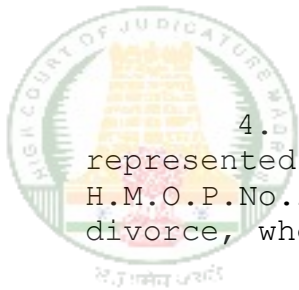
ORDER

(Order of the Court was made by A.SELVAM, J)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to trace out and produce the detenu by name Risvanth Deiva, aged 7 years, son of the petitioner and third respondent.

2. The petitioner is present and she has been identified by her counsel.

3. The third respondent viz., father of the detenu has produced him and he has been identified by the petitioner.



4. The learned counsel appearing for the third respondent has represented that the third respondent as petitioner has filed H.M.O.P.No.207 of 2015 on the file of the Family Court for getting divorce, wherein the present petitioner has been arrayed as respondent.

5. Considering the fact that both the petitioner and third respondent are parents of the detenu and also considering that the detenu is now under the care and custody of the third respondent and further, the third respondent has filed H.M.O.P.No.207 of 2015 for getting divorce, the petitioner can work out her remedy in H.M.O.P.No.207 of 2015. With the above observation, this Habeas Corpus Petition is liable to be disposed of.

6. In fine, this Habeas Corpus Petition is disposed of on the basis of the observation made earlier. However, liberty is given to the petitioner to see the detenu once in 15 days every month and the third respondent should not make any objection.

Sd/-

Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,  
Madurai City, Madurai.

2.The Inspector of Police,  
All Women Police Station,  
Tallakulam, Madurai.

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

+1cc to MR.R.GANDHI, ADVOCATE IN SR : 22717

+1cc to MR.L.GEORGE PAUL ANTO, ADVOCATE IN SR : 22618

Ps

SR : 04.05.2015 : 2p/6c

ORDER MADE IN  
H.C.P (MD) No.580 of 2015  
27.04.2015