



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.07.2015

Coram

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

H.C.P.(MD)No.796 of 2015

Meenambigai

.. Petitioner

Vs.

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

2.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

3.Xavier Sudhakar

4.Meenakshi

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents 1 & 2 to produce the body or person of the detenu namely Anshi Benit, D/o.Xavier Sudhakar, female aged 2 ½ years, permanently residing at 18, Vettrivilai road, North street, Thisaiyanvilai, Tirunelveli District before this Court after securing her from the illegal detention of the 3rd and 4th respondents and hand over custody to the petitioner.

For Petitioner	:	Mr.S.Palanivelayutham
For RR - 1 & 2	:	Mr.T.Mohan
		Addl.Public Prosecutor
For R - 3	:	Mr.I.Robert Chandrakumar
For R - 4	:	No appearance

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 & 2 to trace out and produce the detenu by name Anshi Benit, aged 2 ½ years, daughter of the petitioner and third respondent.

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



3. The third respondent has produced the detenu.

4. As pointed out earlier, the detenu is the daughter of both the petitioner and third respondent. Considering the fact that the detenu is the daughter of both the petitioner and third respondent, custody of the detenu under third respondent cannot be treated as illegal. If at all the petitioner wants custody of the detenu, she can very well file separate proceedings before the concerned Court. With the above observation, this petition is liable to be dismissed.

5. In fine, this Habeas Corpus petition is dismissed on the basis of the observation made earlier.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

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

+1cc to Mr.G.Prabhu Rajadurai, Advocate Sr.No.33598

+1cc to Mr.S.Palanivelayutham, Advocate Sr.No.337746

mj

akm/21.07.15 /2p-6c/

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