



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM:

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU**  
**AND**  
**THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

**H.C.P. (MD) No.1279 of 2016**

M.Petchithai : Petitioner

Vs.

1.The Superintendent of Police,  
Thoothukudi District.

2.The Inspector of Police,  
All Women's Police Station,  
Srivaikundam,  
Thoothukudi District.

3.The Inspector of Police,  
Srivaikundam Police Station,  
Thoothukudi District.

4.Karuppasamy

5.Karpagam

6.Arumugam

7.Kumar : Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body or persons of the detenus, viz., Petitioner's children, Minor Kavya (7 years), Minor Karnan (6 years) and Minor Raja (4 years) now in the illegal custody of respondent No.4 before this Court and set them at liberty.

For Petitioner : Mr.I.Robert chandra Kumar  
For Respondents 1to3 : Mr.A.Ramar,  
Additional Public Prosecutor

**ORDER**

(Order of the Court was made by **M.V.MURALIDARAN, J.**)

One M.Petchithai, the petitioner herein, has filed this Habeas Corpus Petition stating that her children, namely, the detenus,



were forcibly taken by the fourth respondent from the house of the petitioner. Hence, she has given a complaint to the second respondent on 17.08.2016. In her complaint, it has been clearly mentioned that the petitioner's husband and mother-in-law and their family members were demanded more dowry from the petitioner and hence, she left voluntarily from the house of the fourth respondent and is living separately.

2. Admittedly, it is purely a family dispute between the petitioner and the fourth respondent. The fourth respondent, being the father of the minor children, has every right to take the custody of the children. If the petitioner wants to get the custody of the children, she has to work out her remedy before the appropriate Court of law.

3. In view of the said facts, the Habeas Corpus Petition is closed by giving liberty to the petitioner to approach the appropriate forum.

Sd/  
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,  
Thoothukudi District.
- 2.The Inspector of Police,  
All Women's Police Station,  
Srivaikundam,  
Thoothukudi District.
- 3.The Inspector of Police,  
Srivaikundam Police Station,  
Thoothukudi District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 cc to MR.I.ROBERT CHANDRAKUMAR, Advocate Sr.No.54046

Order made in  
**H.C.P. (MD) No.1279 of 2016**

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