



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No.1815 of 2017

K.Kaliyammal

: Petitioner

Vs.

1.The Superintendent of Police,
District Police Office, Karur District.

2.The Inspector of Police,
Aravakurichi Police Station,
Karur District.

3.Kannan

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the detenus, namely, Divyadharshini, aged 11 years and Yugendran, aged 9 years, the petitioner's two children before this Court and hand over the custody to the petitioner herein.

For Petitioner

: Mr.R.Maheswaran

For Respondents

: Mr.C.Ramesh

1 & 2

Additional Public Prosecutor

R3

: No Appearance

O R D E R

[Order of the Court was made by **R.SUBBIAH, J.**]

The present Habeas Corpus Petition has been filed by the mother of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detenus, namely, Divyadharshini, aged 11 years and Yugendran, aged 9 years, before this Court and hand over their custody to the petitioner herein.

2. According to the petitioner, the marriage between the
<https://hcservices.ecourts.gov.in/hcservices/>
petitioner and the third respondent herein was solemnized in the



year 2006 and due to the wedlock, they were blessed with two children, who are presently aged about 11 years and 9 years respectively. The husband of the petitioner is a drunkard. Under the influence of alcohol, he used to harass her and ask her to demand money from her parents. Unable to tolerate the torture given by the third respondent, the petitioner went to her parental home and stayed there. The minor children are now under the custody of the third respondent. Seeking to trace out and hand over the custody of the minor children, the petitioner made a complaint before the second respondent police. Since there were no effective steps taken by the second respondent police to trace out and hand over the custody of the detenus, the petitioner has come up with the present Habeas Corpus Petition.

3. On an earlier occasion, this Court, considering the fact that the issue relates to matrimonial dispute, referred the matter to the Mediation and Conciliation Centre, attached to this Bench, to arrive at an amicable settlement between the parties. However, the mediation could not succeed.

4. Today, when the Habeas Corpus Petition was taken up for consideration, the second respondent police produced the detenus, along with the third respondent. We enquired the petitioner and the third respondent herein. We have also enquired the minor children.

5. Since the minor children are under the custody of the father, in our considered view, it cannot be stated that they are in illegal custody and hence, the Habeas Corpus Petition is closed. The parties are at liberty to work out their remedies before the appropriate forum.

Sd/-

Assistant Registrar(P & A)

/True Copy/



1. The Superintendent of Police,
District Police Office, Karur District.

2. The Inspector of Police,
Aravakurichi Police Station,
Karur District.

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

ORDER MADE IN
H.C.P. [MD] .No.1815 of 2017

NB
SDS/JC/SAR 1/19.01.2018/3P/5C