



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM
AND

THE HONOURABLE MR. JUSTICE P. VELMURUGAN
H.C.P. [MD] No. 35 of 2017

P. Karpagavalli

: Petitioner

Vs.

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

2. The State, rep by
The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram District.

3. Ramasamy

4. Packiam

5. Muniyasamy

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the body or person of the detenu, namely, Thirubharathi, aged about 6 months child before this Court under the custody of the respondents 3 to 5 and hand over the custody to the petitioner.

For Petitioner : Mr. P. Banuprasath

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

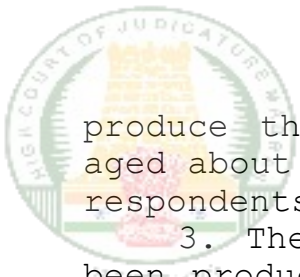
For Respondents 4&5 : Mr. D. Senthil
For Respondent No. 3 : No Appearance

O R D E R

[Order of the Court was made by T.S. SIVAGNANAM, J.]

Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 4 and 5.

2. The present Habeas Corpus Petition has been filed seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to



produce the body or person of the detenu, namely, Thirubharathi, aged about 6 months child before this Court under the custody of the respondents 3 to 5 and hand over the custody to the petitioner

3. The minor detenu - Thirubharathi, aged about 6 months, has been produced before this Court, along with her mother. The fourth respondent herein is the paternal grandmother of the minor detenu. The son of the fourth respondent is no more. The detenu was brought to the Court by her mother. She has stated that pursuant to the order dated 30.01.2017, the custody of the minor child was granted to her. She has further stated that initially, she resided at Ramanathapuram and since there were unpleasant circumstances, she had to go to Coimbatore, where she has been residing along with her brother. She has also stated that she is now safe and the minor detenu is also very happy with her.

4. It is seen that the fourth respondent herein filed G.W.O.P.No.2 of 2017, on the file of the District Court, Ramanathapuram, claiming guardianship. If such is the case, then, it is for the fourth respondent to establish her case before the said Court. Now, the minor detenu is in the custody of the natural guardian, the mother. Therefore, we are not inclined to issue any direction as sought for by the respondents 4 and 5 in the present Habeas Corpus Petition and suffice it to record the presence of the detenu along with her mother.

5. In view of the above, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

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

2.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram District.

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

+1 CC TO MR.P.BANU PRASATH,ADVOCATE,SR NO.16560

+1 CC TO MR.D.SENTHIL,ADVOCATE,SR NO.17164

NB

MAS/KP:04.04.2017:2P-6C

ORDER MADE IN
H.C.P.[MD].No.35 of 2017
22.03.2017