



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM
AND
THE HONOURABLE MR. JUSTICE P. VELMURUGAN

H.C.P. [MD] .No. 931 of 2017

J. Sasiradha

: Petitioner

Vs.

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

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

3. Jeyamani

4. Shanthi

: 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 to produce the minor son of the petitioner, namely, J. Ebey John, son of Jeyamani, aged about 5 years old, who is under the illegal custody of the respondents 3 and 4 and their henchmen and to hand over the custody to the petitioner in accordance with law.

For Petitioner : Mr. V. Thirumal

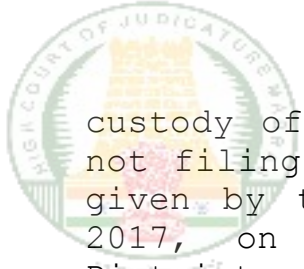
For Respondents 1 & 2 : Mr. T. Mohan
Additional Public Prosecutor

O R D E R

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

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

2. The petitioner is the mother of the detenu, who is aged about 5 years. Even according to the petitioner, the child is in the custody of the father, the husband of the petitioner. Therefore, *prima facie*, we are of the view that there is no illegal detention of the child and if the petitioner seeks for



custody of her child, her remedy is before a different forum and not filing of Habeas Corpus Petition. In any event, the complaint given by the petitioner has been registered in Crime No.140 of 2017, on the file of Alangulam Police Station, Tirunelveli District, under "Boy Missing" category. Therefore, the second respondent police is directed to investigate the matter in accordance with law.

3. The Habeas Corpus Petition is closed with the above observation.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.Thirumal,Advocate Sr.No.62140

NB

VB/MR/KKR/SAR4/06.07.2017/2P/5C

**ORDER MADE IN
H.C.P. [MD] .No.931 of 2017
28.06.2017**