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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.05.2018
CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

H.C.P(MD)No.685 of 2018

M.Suganya @ Asma Sherin .. Petitioner
Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Tallakulam Town Police Station,
Madurai District.

3.N.Meenakshi Sundaram
4.M.Selvam

.. Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the respondents 1 and 2 to produce the petitioner's son namely Praveen, S/o.Suganya @ Asma Sherin (Detenu) is aged about 7 years, either in person by body before this Court from the illegal detention of the third and fourth respondents and hand over the custody to the petitioner.

For Petitioner : Mr.J.Jeyakumaran
For RR 1 & 2 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor
For RR 3 & 4 : Mr.A.Sivasubramanian

O R D E R

(Order of the Court was made by D.KRISHNAKUMAR, J.,)

The present Habeas Corpus Petition has been filed by the petitioner, mother of the detenu, praying to hand over her son Praveen, aged 7 years, from the illegal detention of the third and fourth respondents herein.

2. According to the petitioner, she married one Pradeep Chandran on 26.05.2010 as per Hindu rites and customs and gave birth to a male child namely Praveen, the detenu. Due to some misunderstanding, the petitioner got separated from her husband and was living along with her parents for a period of eight years. The petitioner was working as Area Head in UAE Exchange, Anna Nagar, Madurai and therefore, the 3rd and 4th respondents were taking care



and custody of her son during her working hours. On 02.04.2018, she got married with Asraf Aquthar without the willingness of her parents. On 07.05.2018, she approached her parents to hand over the custody of her son, but they refused to do so. Hence, the present Habeas Corpus Petition has been filed.

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3. Today, when the Habeas Corpus Petition was taken up for consideration, the respondent Police produced the detenu. The detenu is a seven year old boy. The respondent police produced the detenu along with the respondents 3 and 4 before us. We questioned the respondents 3 and 4 and we also spoke to the minor child, who appears to be happy and cheerful and he is studying second standard. It appears that the child is more happy to live with his grand parents. Therefore, we do not wish to disturb the said position by way of this Habeas Corpus Petition.

4. Accordingly, the Habeas Corpus Petition is closed. However, it is open to the petitioner to move the appropriate Court, if so advised.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Tallakulam Town Police Station,
Madurai District.

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

+1cc to M/S.J.Jeyakumaran, Advocate SR.No. 66088

Order in
H.C.P(MD) No.685 of 2018
23.05.2018

sts/rm

JM/KKR/SAR 3/18.06.2018/2P/5C

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