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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MRS.JUSTICE **R.THARANI**

H.C.P. [MD] .No.1271 of 2018

G.Nagamani

: Petitioner

Vs.

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

2. The Inspector of Police,
All Women Police Station,
Manapparai,
Trichy District.

: 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 person or body of the detenu namely Dimple Roopa, D/o.Gopinath, aged about 11 years, Santhosh, aged about 6 years, children of the petitioner from the illegal custody of the second respondent before this Court and set them at liberty.

For Petitioner : Mr.S.Sivakumar

For R-1 & R-2 : Mr.B.Neelakandan,
Additional Public Prosecutor

For Detenu : Mr.B.Senthil Kumar

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 detenu namely Dimple Roopa, D/o.Gopinath, aged about 11 years, Santhosh, aged about 6 years, children of the petitioner from the illegal custody of the second respondent before this Court and set them at liberty.

2.The petitioner is the mother of the detenu. Now, the children are with the custody of the parents of the petitioner and their custody was taken from the petitioner forcibly. Hence, she has come forward with the present Habeas Corpus Petition with the aforesaid prayer.



3. Today, when the Habeas Corpus Petition was taken up for consideration, the father of the petitioner namely Ramasamy appeared before us and submitted that his daughter married another person and therefore, the children are under their custody.

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4. The detenu were produced before this Court. When we enquired the detenu, on enquiry, they have stated that their mother married one Pandiyarajan and he misbehaved with them. They expressed their unwillingness to go along with the petitioner.

5. In view of the above, we are of the opinion that the custody of the children is only with the father and mother of the petitioner. Therefore, it cannot be considered as illegal custody and hence, the question of entertaining this Habeas Corpus Petition, does not arise in this matter.

6. Therefore, without going into the other averments, we dismiss this Habeas Corpus Petition. If the petitioner is having any grievance, she has to work out her remedy for the custody of the children, by initiating proper legal proceedings before the appropriate forum.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Superintendent of Police,
Trichy District,
Trichy.
2. The Inspector of Police,
All Women Police Station,
Manapparai,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

PM

KM/SV/SAR2/12.12.2018/2P/4C