



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

H.C.P.[MD].No.1344 of 2018

Shanthi : Petitioner

Vs.

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

2. The Inspector of Police,
Koppampatti Police Station,
Koppampatti, Tuticorin District.

3.Nagarajan

4.Panchavarnam : 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 body and person of the detenu, by name, Minor.Naga Pranaya, aged 6 years, before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents 1&2 : Mr.K.Dinesh Babu

Additional Public Prosecutor

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 body or person of the detenu, by name, Minor.Naga Pranaya, aged about 6 years, before this Court and hand over the custody to the petitioner.

2. According to the petitioner, she was given in marriage to the third respondent, on 10.07.2011, as per the Hindu rites and custom. Due to the wedlock, a girl child was born on 05.06.2012. The third respondent, the husband of the petitioner, had deserted her and took the girl child with him. Though the petitioner took much efforts to trace out the girl child, she could not find the



whereabouts of the girl child. In this regard, 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 the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition is taken up for consideration, it is reported by the learned Additional Public Prosecutor that the detenu is in custody of the respondents 3 and 4, who are none other than her father and grandmother and thus, there is no illegal detention.

4. On a perusal of the records, we find that the child is in custody of her father and thus, we do not find any merit in this Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition stands dismissed, leaving it open to the petitioner to work out her remedy before the appropriate forum.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-II)

To

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

Nb

MK/ES/RSK/SAR 2/27.12.2018/2P/4C

**ORDER MADE IN
H.C.P. [MD] .No.1344 of 2018
12.11.2018**