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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.05.2019
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.THARANI

H.C.P. (MD) No.445 of 2019

Yogalakshmi

... Petitioner

-vs-

1. The Superintendent of Police
Dindigul District, Dindigul
2. The Inspector of Police
Gujiliamparai Police Station
Gujiliamparai, Dindigul District

3. Saravanan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to direct the 1st and 2nd respondents to produce the body of minor daughter namely Samiksha, aged 5 years, daughter of Saravanan, now detained by the 3rd respondent before this Court and give custody of the minor girl to the petitioner.

For Petitioner : Mr.S.Gokul Raj
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R1 & R2
Mr.T.Thirumurugan for R3

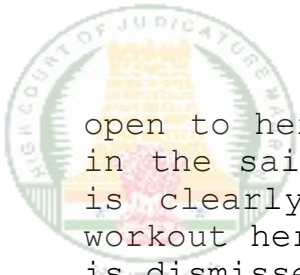
O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

Heard the learned counsel on either side.

2. The petitioner is the wife of the third respondent. Their marriage was solemnized on 30.08.2012 and a girl child Samiksha was born to them. The relationship between the parties had become strained. Therefore, the petitioner filed a petition in H.M.O.P.No.27 of 2019, on the file of the Sub Court, Veda sandur, seeking dissolution of her marriage with the third respondent. The next date of hearing of the said H.M.O.P. is 06.06.2019. The child Samiksha is presently with the third respondent.

3. The third respondent is the natural guardian of the child. The petitioner seeks custodial right over the child. It is



open to her to workout her remedy before the Sub Court, Veda sandur, in the said H.M.O.P.itself. Filing of this Habeas Corpus Petition is clearly misconceived. Leaving it open to the petitioner to workout her remedy in the said H.M.O.P., this Habeas Corpus Petition is dismissed.

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sd/
Assistant Registrar/
Vacation Officer(crl.side)

/True Copy/

Sub Assistant Registrar

To

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

+1 CC to Mr.T.THIRUMURUGAN, Advocate (SR-66291[F] dated 29/05/2019)

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MK (06.06.2019) 2P 5C