



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR. N.ANAND VENKATESHI**

HCP.(MD).No.961 of 2019

Suganji

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.

3.Shanthi

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the body of petitioner's son namely Nithin S/o.Jegan, aged about 4 years and handed over the custody to the petitioner.

For Petitioner : Mr.R.Alagia Nambi

For Respondents : Mr.K.Dinesh Babu
(R1 & R2) Addl.Public Prosecutor

O R D E R

The petitioner is the mother of the detenu and the 3rd respondent is the mother-in-law of the petitioner. According to the petitioner, there was a dispute between the 3rd respondent's son and the petitioner, who are husband and wife. As a result of which, the husband of the petitioner has taken away the 4 year old child from the petitioner and handed over the custody of the child to the 3rd respondent and thereafter, he has gone abroad. Now, the petitioner seeks custody of her child from the 3rd respondent.



2. We find that the father has taken the child and left it with his mother. It cannot be construed as an illegal custody. At the most, the petitioner can work out her remedy before the appropriate forum, by filing a necessary petition and this Court is of the view that the Habeas Corpus Petition is not maintainable.

3. In the result, this Habeas Corpus Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

MPK

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.

+1 CC to M/s.R.ALGIA NAMBI, Advocate (SR-88697[F] dated 23/09/2019)

HCP. (MD) .No.961 of 2019
23.09.2019

JM/15.10.2019/2P/4C