



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.06.2020**

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD)No.352 of 2020

S.Kiruthikaa

: Petitioner

Vs.

1.The State represented through
the Superintendent of Police
O/o. the Superintendent of Police,
Sivagangai
Sivagangai District.

2.The Inspector of Police,
Alagappapuram Police Station,
Karaikudi
Sivagangai District

3.K.Subramanian

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents to produce the body or person of the petitioner's son namely S.Ritik son of Saravanan aged about 6 years before this Court and handover detenu on the custody of the petitioner.

For Petitioner

: Mr.S.M.A.Jinnah

For Respondent

: Mr.R.Anandharaj

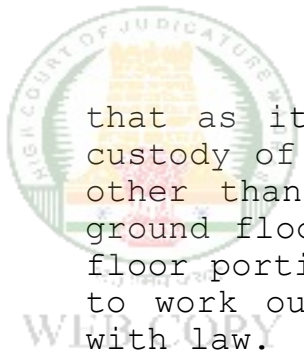
Additional Public Prosecutor

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

It is the case of the petitioner that her husband is working in Army and he is posted somewhere near Kashmir and that her only son S.Ritik, aged about 6 years has been forcibly taken away by the third respondent, who is her father-in-law on account of some dispute between them. Therefore, the petitioner has filed the present Habeas Corpus Petition.

2.We called Mr.K.Subramanian, the third respondent over phone and what he stated was heard via speakers by the learned counsel for the petitioner. He stated certain unpalatable facts, which we do not want to record and cause embarrassment to the petitioner. Be



that as it may, we do not find that the child is in the illegal custody of the third respondent, since the third respondent is none other than the grandfather of the child and he is living in the ground floor portion, whereas the petitioner is living in the first floor portion of the same house. It is always open to the petitioner to work out her remedy before the appropriate forum in accordance with law. Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Superintendent of Police
O/o. the Superintendent of Police,
Sivagangai, Sivagangai District.
- 2.The Inspector of Police,
Alagappapuram Police Station,
Karaikudi, Sivagangai District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
H.C.P. (MD) No.352 of 2020
Dated: 24.06.2020

AP (03/07/2020) 2P 4C