



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2020

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

H.C.P. (MD) No.395 of 2020

Muthuselvi

... Petitioner

-vs-

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

2.The Deputy Superintendent of Police,
Sivakasi,
Virudhunagar District.

3.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

4.M.Pandeeswaran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the third respondent herein to produce the body of the detinue child namely, P.Vaishnavi, D/o M.Pandeeswaran, aged about 3-1/2 years before this Court and handover the child to the petitioner.

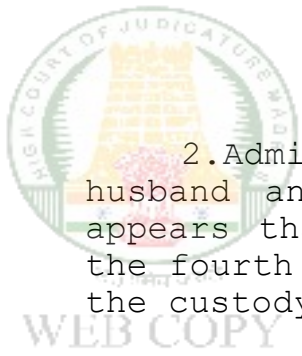
For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor
(for R1 to R3)

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The Habeas Corpus Petition has been filed for production of a minor child namely, P.Vaishnavi, D/o M.Pandeeswaran, aged about 3-1/2 years before this Court and handover the child to the petitioner.



2.Admittedly, the petitioner and the fourth respondent are husband and wife and the alleged detinue is their daughter. It appears that due to the family dispute between the petitioner and the fourth respondent, they are leaving apart and the child is under the custody of the fourth respondent.

3.Mr.M.Jothi Basu, learned counsel for the petitioner would state that the petitioner lodged a complaint with the third respondent and the fourth respondent has also appeared before the third respondent and agreed to handover the child to the petitioner, but he has not done so.

4.Per contra, Mr.V.Neelakandan, learned Additional Public Prosecutor appearing for the respondents 1 to 3 would state that based on the complaint given by the petitioner, both the petitioner and the fourth respondent were called and they appeared before the third respondent and they gave statements and after obtaining statements, the criminal case was closed, as they have to approach the competent civil Court for custody of the minor child.

5.Taking note of the facts and circumstances of the case, we are not inclined to issue any direction as sought for in the habeas corpus petition, as it is open to the petitioner to approach the competent civil Court for custody of the minor child.

6.With the above observation, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

skn / krk

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,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Sivakasi,
Virudhunagar District.
- 3.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SPU (29.07.2020) 3P 5C