



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2021

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM**

and

**THE HONOURABLE MR.JUSTICE G.ILANGOVA**

**H.C.P.(MD) No.77 of 2021**

Rani ... Petitioner/Mother of the Detenues  
-vs-

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

2.The Deputy Superintendent of Police,  
Office of the Deputy Superintendent of Police,  
Nagercoil Division,  
Kanyakumari District.

3.State through  
The Inspector of Police,  
Aralvaimozhi Police Station,  
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the 1 to 3 respondents to produce the body and person of petitioner's minor daughter namely, 1.Akshaya aged about 11 years and male son namely S.Akshay aged about 8 years who are the detenues herein, before this Hon'ble Court and handover their custody to the petitioner.

For Petitioner: Mr.Niranjana S.Kumar

For R1 to R3 : Mr.K.Dinesh Babu

Additional Public Prosecutor

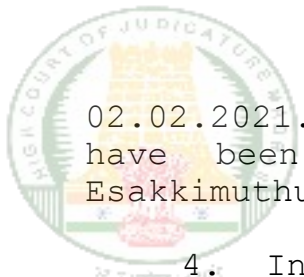
### **O R D E R**

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

This habeas corpus petition has been filed seeking direction to the respondents 1 to 3 to produce the petitioner's minor children, namely, Akshaya, aged about 11 years and S.Akshay aged about 8 years, before this Court and hand over their custody to the petitioner.

2. It appears that there is a matrimonial discord between petitioner and her husband and now they are living apart.

3. It is the submission of the learned Additional Public Prosecutor that based on the complaint of the petitioner, a case was registered by the third respondent police in Cr.No.645 of 2020 and during the investigation, both detenus have been secured and they were produced before the learned Judicial Magistrate, Boothapandi on



02.02.2021. After ascertaining their willingness, their custody have been handed over to the petitioner's husband, namely, Esakkimuthu.

4. In the light of the above statement of the learned Additional Public Prosecutor, we are of opinion that no further adjudication is required in this habeas corpus petition and hence, this petition is dismissed by giving liberty to the petitioner to work out the remedy before the competent Civil Court.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

am

**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,  
Office of the Superintendent of Police,  
Kanyakumari District.

2.The Deputy Superintendent of Police,  
Nagercoil Division,  
Kanyakumari District.

3. The Inspector of Police,  
Aralvaimozhi Police Station,  
Kanyakumari District.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate ( SR-3712[F] dated 08/02/2021 )

**H.C.P. (MD) No.77 of 2021**

**08.02.2021**

dks (CO)

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