



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

H.C.P. (MD) No.272 of 2021

Mariya Chandra George

... Petitioner

-vs-

1.The Superintendent of Police
Kaniyakumari District, Kaniyakumari

2.The Inspector of Police
Rajamangalam Police Station
Kaniyakumari District

3.Abraham

4.Mari Donital

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents to produce the person or body of my child namely Shanov, son of Mariya Chandra George, Male, aged about 3 years, before this Court and handed over custody to the petitioner.

For Petitioner : Mr.M.Murugesan

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor for R1 & R2

Mr.G.Anto Prince for R3 & R4

O R D E R

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

The petitioner has filed this habeas corpus petition seeking direction to the respondents 1 and 2 to produce his son, namely, Shanov, aged about 3 years, before this Court and hand over his custody to the petitioner.

2. When the matter was taken up for hearing, the learned counsel appearing for the respondents 3 and 4 would state that they have already filed G.W.O.P.No.7 of 2020, before the District Court, Kanyakumari District at Nagercoil for permanent custody of the detenu. It is also stated that the Child Welfare Committee, vide order dated 19.03.2021, permitted the respondents 3 and 4 to have the interim custody of the detenu. It is also submitted that the petitioner has also given a complaint to the Legal Aid Service



Committee, Nagercoil, with regard to the same grievance, however, suppressing all these material facts, the present habeas corpus petition has been filed.

3. At this juncture, the learned counsel for the petitioner sought permission of this Court to withdraw the habeas corpus petition with liberty to workout his remedy before the competent Civil Court and he has also made an endorsement to that effect.

4. In view of the endorsement so made, the habeas corpus petition is dismissed as withdrawn with liberty as prayed for.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Kaniyakumari District,
Kaniyakumari.
- 2.The Inspector of Police,
Rajamangalam Police Station,
Kaniyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-12671[F] dated 22/03/2021)

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SJ(CO)
KB(26.04.2021) 2P 5C