



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2021

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.914 of 2021

U.Murugalakshmi ... Petitioner/Mother of the detenu

-vs-

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

2.The Inspector of Police,
Naraikinaru Police Station,
Thoothukudi District.

3.The Social Welfare Officer,
Thoothukudi District,
Office of the Social Welfare,
District Collectorate Campus,
Thoothukudi District.

4.Bagavathi Raj ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents1 and 2 to secure the petitioner's daughter Shri Suba Selvi, aged about 7 years and petitioner's son Shri Harrish, aged about 5 years, from the custody of the fourth respondent and produce their body or in person before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.V.Angusamy

For R1 to R3 : Mr.S.Ravi
Standing counsel for Government



For R4

: Mr.M.Prabhu

O R D E R

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

This Habeas Corpus Petition has been filed for a direction to the respondents 1 and 2 to secure the petitioner's daughter Shri Suba Selvi, aged about 7 years and the petitioner's son Shri Harrish, aged about 5 years, from the custody of the fourth respondent and produce them before this Court and hand over the custody to the petitioner.

2. When the matter is taken taken up for hearing today, the fourth respondent along with the detenu appeared before this Court from the Public Prosecutor Office.

3. Mr.S.Ravi, learned Standing counsel appearing for the respondents 1 to 3 on instructions would state that the petitioner's father lodged a complaint with the second respondent viz., Naraikinaru Police Station on 26.04.2021, for missing of the petitioner herein and the same was registered in Crime No.19 of 2021. He further added that during investigation, the second respondent was able to secure the petitioner as well as the detenu and they were brought to the police station, where the petitioner left the children in the custody of the fourth respondent on 28.04.2021. Since then both the detenu are being taken care of by the fourth respondent.

4. The petitioner would allege that during second week of May 2021, the fourth respondent forcibly entered into the house of the petitioner's parents and attacked the petitioner indiscriminately and taken the custody of the detenu. Hence, she lodged a complaint with the second respondent on 07.06.2021.

5. A perusal of the affidavit shows that the petitioner has deliberately suppressed the material fact of the case, whcih was registered on the basis of the complaint of the petitioner's father. In other words, the earlier incident of lodging a complaint for missing of the petitioner has been suppressed in the affidavit filed in support of this petition. Further more, on enquiry, the detenu would state that they want to live with their father, the fourth respondent herein.

6. So, this Habeas Corpus Petition is liable to be dismissed, on the ground that the petitioner did not approach this Court with clean hands. Accordingly, this Habeas Corpus Petition is



dismissed, granting liberty to the parties to work out the remedy before the competent civil Court.

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// True Copy //

Sd/-

Assistant Registrar (AD II)

/ /2021

Sub Assistant Registrar (CS)

akv

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,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Naraikinaru Police Station,
Thoothukudi District.
- 3.The Social Welfare Officer,
Thoothukudi District,
Office of the Social Welfare,
District Collectorate Campus,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. (MD) No.914 of 2021
29.06.2021

KM(08.07.2021) 3P 5C