



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.07.2021

CORAM:

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

H.C.P. (MD) No.934 of 2021

Palaniyammal

...Petitioner/Grand-mother of
the detinue

-VS-

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

2.The Inspector of Police,
All Women Police Station,
Thenkasi,
Thenkasi District.

3.R.Murugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the person or body of the detinue, the Petitioner's grand-daughter namely, M.Akalya, aged about 3 years from the illegal detention of the third respondent and his concubine and hand over the child with the Petitioner's custody.

For Petitioner : Mr.C.Iyyapparaj
for M/s.S.Sundarapandian

For Respondents : Mr.S.Ravi
1 and 2 Standing Counsel for the State

O R D E R

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

Heard Mr.C.Iyyapparaj, learned counsel appearing for the Petitioner and Mr.S.Ravi, learned Standing Counsel for the state appearing for the respondents 1 and 2 and perused the materials placed before this Court.



2.This Habeas Corpus Petition has been filed seeking for a direction to the respondents 1 and 2 to produce the Petitioner's grand-daughter namely, Akalya, aged about 3 years, from the illegal detention of the third respondent and hand over the custody to the Petitioner.

WEB COPY

3.The Petitioner would claim that the third respondent married her daughter Rajammal on 3.2.2006 and after 12 years, they were blessed with the detinue namely, Akalya. It appears that the Petitioner's daughter passed away on 29.05.2021 due to Corona. It is alleged that after the death of the Petitioner's daughter, the third respondent has taken away the child and prevented the Petitioner from visiting the minor child. Now the third respondent had refused to bring the child to the Petitioner. Hence she lodged a complaint with the second respondent. Since no action was taken to secure the detinue, the Petitioner has come forward with the present Habeas Corpus Petition.

4.The Petitioner appeared through video-conferencing and on enquiry, she has stated that the detinue was being taken care of by her and only recently, the child was taken away by the third respondent.

5.The third respondent and his parents have also appeared through video conferencing and stated that the detinue is now happy with the third respondent and they will take care of the minor child and the present Habeas Corpus Petition is not maintainable. It is further stated that they would not prevent the Petitioner from visiting the minor child. Both the parties have expressed their willingness to work out their remedy before the competent Civil Court.

6.It is an undisputed fact that the minor detinue is now in the custody of her father and her mother passed away.

7.In the light of the above submissions made on either side, this Habeas Corpus Petition is closed, by giving liberty to the parties to approach the competent Civil Court to ventilate their grievances, if any.

Sd/-

Assistant Registrar (CS I)

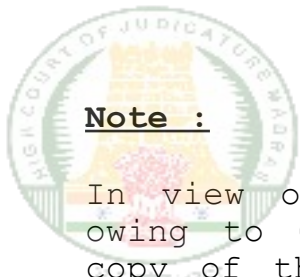
// True Copy //

/ /2021

Sub Assistant Registrar(CS)

[

vsn



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,
Thenkasi,Thenkasi District.
- 2.The Inspector of Police,
All Women Police Station,
Thenkasi,
Thenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN

H.C.P. (MD) No.934 of 2021

06.07.2021

MGJ(14.07.2021) 3P 4C