



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.07.2021

CORAM:

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

H.C.P. (MD) No.968 of 2021

Rahmath @ Rahumath Nisha ... Petitioner/Mother of the detenue

-VS-

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

2.The Inspector of Police,
Atchanpudur Police Station,
Atchanpudur,
Tenkasi District.

3.Veevi ... 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 body or person of the Petitioner's female child, the detenue namely, Jumana @ Ayusha Sitthika, aged about 8 years under the illegal custody of the third respondent before this Court and hand over the custody to the Petitioner.

For Petitioner	:	Mr.K.Kannan
For Respondents 1 and 2	:	Mr.S.Ravi Standing Counsel for the State
For Respondent-3	:	Mr.Syed Ali

O R D E R

[Order of the Court was made by B.PUGALENDHI, J.]

The prayer in the Habeas Corpus Petition is to direct the respondents 1 and 2 to produce the Petitioner's female child, the detenue namely, Jumana @ Ayusha Sitthika, aged about 8 years under the illegal custody of the third respondent before this Court and hand over the custody to the Petitioner.



the illegal custody of the third respondent before this Court and hand over the custody to the Petitioner.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

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3. The Petitioner is the mother of the detainee. It is stated that on 21.1.2010, she was married to one Varisai Vava and the detainee was born to them on 14.12.2014. However, on 5.6.2018, they got separated mutually and the detainee was in the custody of her grand-mother, the third respondent herein.

4. The grievance of the Petitioner is that the third respondent is not taking proper care of the child and she is being harassed by her. There is a danger to the life of the detainee.

5. The Petitioner as well as the detainee was produced before this Court by the second respondent through video-conferencing. On enquiry, the detainee would state that she is living happily with the third respondent.

6. The learned Standing Counsel for the State would submit that in pursuance to the complaint of the Petitioner, the detainee was produced before the Doctor at Tirunelveli Medical College Hospital and it was found that she sustained injuries when she is playing with her friends and no injury was caused to the detainee by the third respondent.

7. In view of the above submission, we find no merit in the Habeas Corpus Petition and accordingly, the same stands dismissed, with liberty to the Petitioner to work out her remedy before a competent Civil Court, in the manner known to law.

Sd/-

Assistant Registrar (CS-III)

// 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.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

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

2.The Inspector of Police,
Atchanpudur Police Station,
Atchanpudur,
Tenkasi District.

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

+1 CC to M/s.S.ABUTHAHEER, Advocate (SR-22143[F] dated 12/07/2021)

H.C.P. (MD) No.968 of 2021

12.07.2021

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