



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.08.20211

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) No.957 of 2021

WEB COPY

Christal Suja

... Petitioner

-vs-

1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

3.Jailin Jose

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents to produce the person or body of the petitioner's daughter Josika, D/o. Jeylin Jose, aged about 8 years, before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.C.K.M.Appaji

For R1 & R2 : Mr.S.Ravi

Standing counsel for the State

O R D E R

(Order of the Court was made by V.BHARATHIDASAN, J.)

Alleging that the petitioner's daughter by name Josika, aged about 8 years, is in the illegal custody of the third respondent, who is none other than her husband, the petitioner has made a complaint before the second respondent police. But, so far no action has been taken to secure the detenu. Hence, the present Habeas Corpus Petition.

2. Earlier, the detenu and the third respondent appeared before this Court through video conferencing from the Public Prosecutor Office and since the dispute is between the husband and wife, this Court referred the matter to the Mediation Centre and appointed Mr.C.K.M.Appaji, learned counsel for the petitioner as Mediator. Thereafter, the matter is listed today.

3. When the matter is taken up for hearing today, Mr.C.K.M.Appaji, learned counsel for the petitioner would submit that both the parties did not appear before the Mediation Centre and



he has also no instruction from the petitioner.

4. Considering the facts and circumstances of the case, admittedly, the detenu is in the custody of her father and there is no illegal custody as alleged by the petitioner. Hence, this Habeas Corpus Petition is dismissed. However, it is always open to the petitioner to approach the concerned civil Court and file G.W.O.P., seeking the custody of the minor children.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Nagercoil,
Kanyakumari District.
- 2.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.957 of 2021

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