



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) .No.1072 of 2021

WEB COPY

R.Sindiya

... Petitioner/mother of the detenue

-VS-

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

2.The Deputy Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Inspector of Police,
All Women Police Station,
Virudhunagar District,
Virudhunagar.

4.A.Kannan

5.Navaneetha Krishnan

6.Revathi

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the 2nd and 3rd respondents to produce the body or person of the detenue viz., Sahana, D/o.Kannan, aged about 12 years before this Court and hand over the custody to the petitioner on the basis of the petitioner's complaint dated 14.06.2021.

For Petitioner : Mr.G.Kannan

For R-1 to R-3 : 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 minor daughter, by name Sahana, D/o.Kannan, aged about 12 years, is in the illegal custody of the fourth respondent, who is the husband of the petitioner, the petitioner has lodged a complaint before the third respondent police on 14.06.2021. But, so far no action has been taken by the third respondent police to secure the detenue. Hence, the present Habeas Corpus Petition.

2. When the matter is taken up for hearing today, Mr.S.Ravi, learned Standing counsel appearing for the State, on instructions would submit that the petitioner left the matrimonial home and eloped with somebody and living separately, now, the child is with the fourth respondent, who



is the father of the child and husband of the petitioner. He would further submit that the fourth respondent has also lodged a complaint with regard to missing of the petitioner and the same is also pending investigation.

3. Considering the fact that now the child is only with her father, it cannot be treated as illegal custody. If at all the petitioner wants the custody of the minor child, it is always open to her to approach the competent Civil Court in the manner known to law.

4. With the above observations, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS I)

// 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,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Inspector of Police,
All Women Police Station,
Virudhunagar District,
Virudhunagar.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1072 of 2021

04.08.2021

SSS

RS (11.08.2021) 2P-5C