



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) No.1204 of 2021

Indirani

... Petitioner/
Mother of the detenue

-vs-

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

2. The Inspector of Police,
Palani Town Police Station,
Dindigul District.

3. Prasath ... 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 body or person of detenue by name Sivani, D/o.Indrani, female, aged about 4 years, who has been illegally detained by the third respondent before this Court and hand over the custody to the petitioner forthwith.

For Petitioner : Mr.A.Vadivel

For Respondents 1 and 2 : Mr.S.Ravi

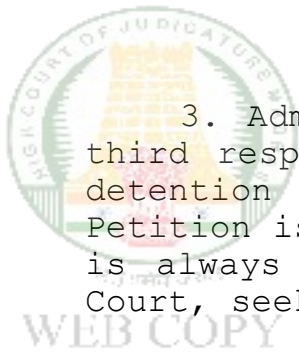
Standing counsel for State

O R D E R

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

Alleging that the petitioner's daughter by name Sivani, aged about 4 years, illegally detained by the third respondent, who is none other than the husband of the petitioner, the present Habeas Corpus Petition has been filed.

2. Heard the learned counsel for the petitioner and the learned Standing counsel appearing for the State.



3. Admittedly, the child is in the custody of the father, the third respondent herein and it cannot be considered as an illegal detention as alleged by the petitioner. Hence, the Habeas Corpus Petition is not maintainable and the same is dismissed. However, it is always open to the petitioner to approach the concerned Civil Court, seeking the custody of the minor child.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /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,
Dindigul, Dindigul District.
2. The Inspector of Police,
Palani Town Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1204 of 2021
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MGJ(07.09.2021) 2P 4C