



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) No.1274 of 2021

WEB COPY

V.Kumaresan

... Petitioner/ Father of the Detenu

vs.

1. State of Tamilnadu Rep.by the
Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

3. Manimekalai @ Muthulakshmi ... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondent No.1 and 2 to produce the persons or body of the detenus, namely (i) Velmani, aged about 13 years, S/o.Kumaresan and (ii) Sivapriya, aged about 11 years, D/o.Kumaresan before this Court and hand over them custody to the petitioner and set them at liberty.

For Petitioner : Mr.Y.Prakash

For Respondents : 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 children by name Velmani, aged about 13 years and Sivapriya, aged about 11 years, are illegally detained by the third respondent, who is none other than the mother of the children, 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. Since the children are in the custody of the mother, the third respondent herein, it cannot be treated 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 children, in the manner known to law.

Sd/-

Assistant Registrar (AE)

// True Copy //

WEB 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. Superintendent of Police,
State of Tamilnadu,
Ramanathapuram District.
- 2.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1274 of 2021
03.09.2021

KMV(CO)
KB(21.09.2021) 2P 4C