



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

H.C.P. (MD) .No.1587 of 2021

M.Abarna

... Petitioner/Mother of the detenu

-vs-

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

2.The Deputy Superintendent of Police,
Vallioor,
Tirunelveli District.

3.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

4.R.Prakash

5.Rajiv

6.Manjula

7.R.Prabhu

8.Santhosh

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the first and second respondents to secure the detenu, namely the petitioner's son P.Samuel aged about 4 ½ years from the illegal custody of the third to eighth respondents and produce him before this Court and hand over the custody of minor child, namely P.Samuel to the petitioner.

For Petitioner : Mr.R.M.Suresh

For R1 to R3 : Mr.S.Ravi

Additional Public Prosecutor

O R D E R

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

Alleging that the petitioner's son by name P.Samuel, aged about 4 ½ years, has been forcibly abducted by the fourth respondent, who is none other than the husband of the petitioner, the present Habeas Corpus Petition has been filed.



2.Heard Mr.R.M.Suresh, learned counsel for the petitioner and Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondents 1 to 3.

3.Considering the fact that, the child is in the custody of the father, it cannot be termed as illegal custody. Hence, the Habeas Corpus Petition is dismissed. However, if at all the petitioner seeks custody, 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 child.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv/ebsi

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,
Tirunelveli District,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Vallioor,
Tirunelveli District.
- 3.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1587 of 2021

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PS (CO)

RS/JC (10.11.2021) 2P 5C

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