



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1791 of 2021

Aathira

... Petitioner/Mother of the Detenu

Vs.

1.The Superintendent of Police,
Kanniyakumari District.

2.The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanniyakumari District.

3.M.Anandhan

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the body or person, namely, Athith Anandan, S/o.Aathia, aged 1 $\frac{1}{4}$ years before this Court and hand over the custody of the petitioner's baby to her.

For Petitioner

: Mr.F.Deepak

For R1 and R2

: Mr.S.Ravi

Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

This petitioner came before this Court by way of Habeas Corpus Petition contending that the third respondent whom she married on 15.09.2019, which has got registered, has taken away the 18 months old child with him and he has kept the child in illegal custody.

2. Since it is a matrimonial dispute and whether the child should be with the mother or the father needs to be decided only in a guardian original petition before the appropriate forum, Habeas Corpus Petition is not the alternative remedy.



3. In view of the same, without expressing any opinion on the merits of the contention of the petitioner, this Habeas Corpus Petition is dismissed.

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Sd/-

Assistant Registrar (CS-I)

/ /2021

Sub Assistant Registrar(CS)

PJL

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

H.C.P. (MD) No.1791 of 2021
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NSN (CO)
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