



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1912 of 2021

Jeevitha

... Petitioner

-vs-

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar-626 002.

2. The Inspector of Police,
Vanniyampatti Police Station,
Virudhunagar District-626 125.

3. Sasidharan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents to produce the person or body of the petitioner's daughter namely Harisini daughter of Jeevitha, aged about seven years before this Court and hand over the detenu to the petitioner custody.

For Petitioner	:	Mr.T.Selvam
For R1 & R2	:	Mr.A.Thiruvadikumar
		Additional Public Prosecutor

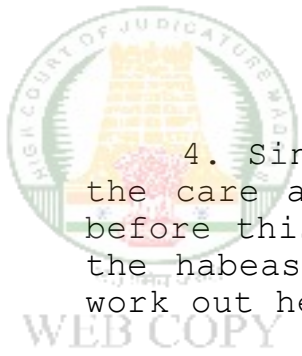
O R D E R

[Order of the Court was made by DR.G.JAYACHANDRAN,J.]

The mother of the 7 years old girl child has filed this habeas corpus petition alleging that her daughter was taken away by her husband and she went to the husband's place, child was not with him and whereabouts of the child is unknown.

2. According to the petitioner, due to the matrimonial dispute, she left her husband and went to her parents house at Thanjavur and at that time, on the request of her husband, she left the 7 years old child. But after sometime, she visited her husband's house and she found that the child is not with him.

3. Today, the respondent police has produced the child before this Court. The father of the child, who is the husband of the petitioner, also present before this Court and submitted that the petitioner has developed illicit intimacy and deserted him leaving the child with him and he is taking care of the child.



4. Since the child is not in illegal detention, but she is in the care and custody of the father and she is alive and produced before this Court today, remedy for the petitioner does not lie in the habeas corpus petition, but elsewhere. It is open to her to work out her remedy before the appropriate Court.

5. Recording the same, this habeas corpus petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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-626 002.
2. The Inspector of Police,
Vanniyampatti Police Station,
Virudhunagar District-626 125.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1912 of 2021

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USK (31.12.2021) 2P 4C