



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2022

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P. (MD) No.127 of 2022

Mala

... Petitioner

Vs.

State rep. by

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

2.The Inspector of Police,
Vathalagundu Police Station,
Dindigul District.

3.Muthukumar

4.Dhanalakshmi

5.Suresh

6.Vijaya Lakshmi

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, directing the Respondents 1 to 2 to produce the person or body of the detainees by name Minor Sanjai, Son of the Petitioner, aged about 6 years old and Nilaniha, daughter of the Petitioner, aged about 3 ½ years who are under the illegal custody of the respondents 3 to 6 herein before this Hon'ble Court and handover their custody to the petitioner.

For Petitioner : Mr.J.Imran Khan

For Respondent Nos.1 : Mr.S.Ravi
& 2 Additional Public Prosecutor

For Respondent Nos.3 : Mr.B.Vinothkumar
to 6



ORDER

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.)

This Habeas Corpus Petition is filed by the mother of the detainees viz., Minor Sanjai, aged 6 years, and Minor Nilaniha, aged 3½ years, alleging that they are under the illegal custody of Respondent Nos.3 to 6. The third respondent is the father of the minor children and husband of the petitioner. The other respondents are relatives of the third respondent.

2.It is now stated that the petitioner had eloped with somebody, leaving the children in the custody of their father, who is the natural guardian, and now the mother has filed the Habeas Corpus Petition to produce the children, who are in the legal custody of the father. So, when the custody of the children are only with their father, the Habeas Corpus Petition cannot be maintained. If there is an issue with regard to the custody of the children, it is open to the petitioner to move appropriate Court by filing application and workout her remedy in accordance with law.

3.With the above observations, the Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

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 District,
Dindigul.

2.The Inspector of Police,
Vathalagundu Police Station,
Dindigul District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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SJ(CO)
TR(10.02.2022) 3P 4C