



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.02.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

H.C.P. (MD) No.147 of 2022

Ganapathy Ramasubramanian

... Petitioner/
Father of the detenu

-VS-

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

2.The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.

3.The Sub-Inspector of Police,
Seithur Police Station,
Virudhunagar District.

4.Mrs.M.Krishnamala

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, to direct the respondents 1 to 3 to produce the body or person of Minor Krisanth, S/o.Ganapathy Ramasubramaniyan, aged about 6 years and handover custody to the petitioner within a stipulated period.

For Petitioner : Mr.M.Jothi Basu

For R1 to R3 : Mr.S.Ravi
Additional Public Prosecutor

For R4 : Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu



O R D E R

R. SUBRAMANIAN, J

AND

N. SATHISH KUMAR, J

WEB COPY

The petitioner seeks production of a person of the detenu, who is minor son Krisanth, aged about 6 years.

2. It is seen that there are various proceedings between the parents of the child in various Courts including GWOP filed by the husband, a Habeas Corpus Petition filed by the husband seeking production of the person of the child was dismissed by this Court. The petitioner herein had filed Crl.O.P(MD)No.11669 of 2021 seeking a direction to the police not to harass him in the name of enquiry/investigation. While disposing of the said petition, this Court had recorded as follows:-

"4. The petitioner was given a undertaking to hand over the child to the fifth respondent (Mother). Therefore, the case came to be closed on 12.07.2021."

3. In view of the above, we do not think that it is a case of illegal custody, hence, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

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.

2.The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.

<https://hcservices.courts.gov.in/hcservices>



3.The Sub-Inspector of Police,
Seithur Police Station,
Virudhunagar District.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-7993[F] dated 23/02/2022)

+1 CC to M/s.K.PRABHU, Advocate (SR-8000[F] dated 23/02/2022)

H.C.P. (MD) No.147 of 2022
22.02.2022

RK(04/03/2022) 3P 7C