



WEB COPY

H.C.P. (MD) No.226 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.226 of 2022

Dhanalakshmi

... Petitioner/

Mother of the Detenu

Vs.

State represented by,

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

2.The Deputy Superintendent of Police,
Melur, Madurai District.
Madurai.

3.The Inspector of Police,
Keezhavalavu Police Station (L& O),
Madurai District.

4.Manikandan

5.Chellammal

6.Poonkodi

7.Somasundaram

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus directing the respondents 1 to 3 to secure and produce the life and limb of the petitioner's children namely, Kodiarasi, aged about 11 years, Arul Selvan, aged about 6 years and Sai Nithran, aged about 3 years, before this Court and hand over the minor children to the petitioner.

For Petitioner : Mr.K.Prabhu

For Respondents 1 to 3 : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner seeks production of the person of her minor children, who according to her, was taken away by her husband by use of force.



2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. Since even according to the petitioner, the children were taken away by their father, who is the natural guardian, there is no case of illegal detention. Hence, this Habeas Corpus Petition is dismissed, reserving the liberty to the petitioner to approach the appropriate Court, seeking custody of the children. If the Police has registered any First Information Report on the basis of the complaint, the Police shall investigate the same without being influenced by any of the observations made by us in this order.

Sd/-

Assistant Registrar (CS-III)

// 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,
Madurai District,
Madurai.

2.The Deputy Superintendent of Police,
Melur, Madurai District.
Madurai.

3.The Inspector of Police,
Keezhavalavu Police Station (L& O),
Madurai District.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-6595[F] dated 16/02/2022)