



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.263 of 2022

Dr.S.Gokul ... Petitioner/Father of the detenu

-vs-

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

2.The Inspector of Police,
Thottiyam Police Station,
Trichirappalli District.

3.Mohan

4.Nirmala ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, to direct the respondents 1 and 2 to produce the person or body of the petitioner's minor son, the detenu namely Jayanthan, son of Gokul (the petitioner herein), aged about 1 ½ years before this Court and to hand over the custody of the detenu to the petitioner.

For Petitioner : Mr.K.Manoharan

For R1 & R2 : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

R. SUBRAMANIAN, J

AND

N. SATHISH KUMAR, J

The petitioner seeks production of a person of his minor son Jayanthan, who is said to be in the custody of the respondents 3 & 4, who are the maternal grand-parents.



2. It is seen that the wife of the petitioner Dr.Sangini committed suicide and the grand-parents have filed a petition before the Family Court, Trichirappalli seeking guardianship of the child. It is also stated that the criminal case is pending as against the petitioner for the suicide committed by his wife.

3. Hence, we do not see a case of illegal custody to entertain the Habeas Corpus Petition and hence, this petition is dismissed. Liberty is reserved to the petitioner to approach the concerned Civil Court seeking custody of the person of the minor child and for appointment of guardian.

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,
Trichirappalli District,
Trichirappalli.
- 2.The Inspector of Police,
Thottiyam Police Station,
Trichirappalli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. (MD) No.263 of 2022
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PKP/04.03.2022/2P/4C