



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

HCP(MD)No.348 of 2022

Vijaya @ Gracy Vijaya

... Petitioner/Mother of the detenue

vs.

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

2.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.

3.Gnanaraj

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Habeas Corpus, directing the 2nd respondent to produce the person or body of the detenue namely, Gnana Jerish, S/o. Gnanaraj, aged about 13 years and Flona Maria, D/o. Gnanaraj, aged about 11 years before this Hon'ble Court and hand over them to the petitioner.

For Petitioner

: Mr.G.Aravinthan

For R1 & R2

: Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

Admittedly, the 3rd respondent is the father of the minor children who are termed to be illegal detenus. He being the legal guardian of the minor children, he has every right to have custody of the children. If the petitioner is apprehensive of the safety of the children, it is open to her to launch appropriate proceedings before the appropriate forum seeking custody of the children.



2. In the light of the alternative remedy which is available, we do not see any reason to entertain this Habeas Corpus Petition and hence, it is dismissed.

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Sd/-

Assistant Registrar (AD-II)

// True Copy //

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Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
3. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

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