



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.351 of 2022

Pandiselvi

... Petitioner / Mother of the Detenu

-Vs-

1.The Commissioner of Police,
Madurai Town.

2.The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai-625 001.

3.Krishnammal

4.Mani @ Manimaran

5.Nirmala

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondent No.1 to produce the person or body of the petitioner's son Sivaguruvelan, aged eight months (8 months) before this Court and hand over the child in the hands of the petitioner.

For Petitioner	: Mr.M.Mohamed Ajeesdheen
For R1 and R2	: Mr.T.Senthil Kumar, Additional Public Prosecutor.
For R3	: Mr.B.Mahendrarajan

ORDER

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner seeks production of the person of her minor child, namely, Sivaguruvelan, aged about eight (8) months. It is alleged that the minor child has been kidnapped by the respondents 3 to 5. The third respondent is the mother-in-law of the petitioner. The respondents 4 and 5 are the close relatives.

2.It is seen that the husband of the petitioner had died. Upon notice, the respondents 3 to 5 have been produced before this Court. An agreement titled as "சும்மத உறுதிமொழிப்பத்திரம்" has been produced before this Court, which is signed by the petitioner and her parents. It is stated therein that the petitioner herself has



voluntarily handed over the custody of the child to her mother-in-law.

3. In view of the same, we do not find any illegal detention as alleged by the petitioner. It is not a case for exercising jurisdiction under Article 226 of Constitution of India, when it is the claim of the respondents 3 to 5 that the custody of the child was voluntarily handed over by the mother to the mother-in-law, upon the death of the husband. Leaving it open to the petitioner to workout her rights in the manner known to law, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

To

1. The Commissioner of Police,
Madurai Town.

2. The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai-625 001.

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

+1 CC to M/s.M.MOHAMED AJEESDHEEN, Advocate (SR-15096[F] dated 29/03/2022)

H.C.P. (MD) No.351 of 2022
28.03.2022

AM(CO)
KB(08.04.2022) 2P 5C