



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2022

CORAM:

WEB COPY

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

H.C.P. (MD) No.399 of 2022

G.Maheswari ... Petitioner/ Mother of Detenu
Vs.

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

2.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.

3.M.Ulageswari ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus directing the Inspector of Police, Subramaniyapuram Police Station, the second respondent herein to produce the Saravana Bala S/o.Ganesh Kumar and Devadharson, S/o.Ganesh Kumar, aged about 5 and 4 years, who is illegally detained by the third respondent herein against their wish and hand over the custody to the petitioner.

For Petitioner : Mr.K.S.Duraipandian

For Respondents 1 & 2 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

O R D E R

R.SUBRAMANIAN, J.
AND
N.SATHISH KUMAR, J.

The petitioner, who is the mother of the two minor children by name, Saravana Bala and Devadharson, S/o.Ganesh Kumar, aged about 5 and 4 years respectively, seeks production of their person.



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

3. The petitioner claimed that the minor children are under the custody of the third respondent, who is her husband's sister. It is also claimed that the husband of the petitioner is in a illegal relationship with another lady by name, Selvi and both of them have eloped along with their respective children.

4. As far as the custody of the minor children with Ganeshkumar is concerned, it cannot be termed as illegal, since he is the father.

5. Mr.A.Thiruvadikumar, learned Additional Public Prosecutor, upon instructions, would submit that the third respondent does not have the custody of the minor children of the petitioner. The Police have enquired the third respondent and her statement has been recorded. She has denied that she is in custody of the minor children. It is also stated that a case in Crime No.103 of 2022 has been registered in this regard. Hence, we do not see any reason to entertain this Habeas Corpus Petition and therefore, this Habeas Corpus Petition is dismissed. It is open to the petitioner to hand over the call records, if any available, to the Police, who in turn, will investigate upon the same.

Sd/-

Assistant Registrar (AS)

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/ /2022

Sub Assistant Registrar(CS)

To:

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

2.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.

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

H.C.P. (MD) No.399 of 2022
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RM

MS/23.03.2022/2P.4C