



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM:

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

H.C.P. (MD) No.639 of 2022

Elakkiya ... Petitioner/Mother of Detenu

-vs-

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

2.The Inspector of Police,
Mayanur Police Station,
Karur District.

3.Ravi

4.Raja ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, to direct the respondents 1 & 2 to secure the detenu from the illegal custody of the respondents 3 to 5 and produce the person or body of the detenu namely Ishal, S/o.Late.Rajinikanth, aged about 12 years and Prajan S/o.Late.Rajinikanth, aged about 6 years before this Court and hand over the custody of them to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For R1 & R2 : Mr.T.Senthil Kumar

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 Ishal, aged about 12 years and Prajan, aged about 6 years.

2. According to the petitioner, she had married one Rajinikanth and the children were born out of the said wedlock. The marriage was dissolved by the decree of divorce granted by the

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Sub-Court, Kulithalai on 16.11.2018. According to the petitioner, after the death of her husband, she is entitled to the custody of the children, the children are held in illegal custody by her in-laws.

3.Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the respondents 1 & 2, would, upon instructions, submit that after the divorce, the petitioner had not bothered about the children and the children were in the custody of the father and after the death of their father, they are now living with the paternal uncle and grand-parents happily. Though she lodged a complaint, she never appeared before the police and CSR was also closed.

4. In the light of the above facts, we find that there is no case for illegal custody. If the petitioner wants to seek the custody of the children, it is open to her to approach the competent Civil Court under the relevant Municipal Law.

5. Accordingly, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Subordinate Judge, Kulithalai

2.The Superintendent of Police,
Karur District,
Karur.

3.The Inspector of Police,
Mayanur Police Station,
Karur District.

Copy to:

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

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