



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.517 of 2022

G.Sivakumar ... Petitioner/father of the detenu

Vs.

1.The Commissioner of Police,
O/o.the Commissioner of Police,
Madurai.

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

3.P.Kavitha ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents herein to produce the persons or body of the detenus namely Bagavathi Rital, S/o.Sivakumar, aged about 12 years old and Malayala Lakshan, S/o.Sivakumar, aged about 10 years before this Honourable Court and hand over their custody to the petitioner herein.

For Petitioner	: Mr.S.Saravanan
For R-1 & R-2	: Mr.A.Thiruvadi Kumar, Additional Public Prosecutor
For R-3	: M/s.V.Ariyanathi

O R D E R

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner seeks production of the person of his minor children Bagavathi Rital, aged about 12 years old and Malayala Lakshan, aged about 10 years.

2. According to the petitioner, the third respondent, who is his mother-in-law, is detaining the children illegally.



upon instructions, would submit that the mother of the children committed suicide on 28.02.2022 and a case was registered under Section 174 Cr.P.C and on the death of the wife of the petitioner, it has been altered to 306 of I.P.C and the anticipatory bail petition filed by the petitioner is pending before this Court.

WEB COPY

4. In such circumstances, we do not find that the custody of the children with the third respondent could be termed as a illegal custody. We do not see any case in order to enable us to invoke the jurisdiction under Article 226 of the Constitution of India. This Habeas Corpus Petition is therefore dismissed leaving it open to the petitioner to move appropriate civil Court seeking custody of the children.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To:

- 1.The Commissioner of Police,
O/o.the Commissioner of Police,
Madurai.
- 2.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V. ARIYANATCHI, Advocate (SR-16804[F] dated 06/04/2022)

H.C.P. (MD) No.517 of 2022
06.04.2022

PA(18.04.2022) 2P 5C