



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.516 of 2022

P.Karthikaga

... Petitioner/mother of the detenu

Vs.

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

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

3.Raja @ Rajasekaran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the petitioner's minor son namely Jeevith Desh, aged 7 years or his body before this Honourable Court and hand over his custody to the petitioner.

For Petitioner

: Mr.M.Jerin Mathew

For R-1 & R-2

: Mr.A.Thiruvadi 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 son by name Jeevith Desh, aged about 7 years.

2. Even according to the petitioner, her son has been taken away by the third respondent, who is her husband and father of the child.

3. Once the custody of the child with his father is admitted, it cannot be termed as a illegal custody. Therefore, we do not entertain this Habeas Corpus Petition. Hence,



this Habeas Corpus Petition is dismissed. It will be open to the petitioner to seek appropriate remedy available under law.

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Sd/-

Assistant Registrar (AS)

/ /2022

Sub Assistant Registrar (CS)

pm

To:

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

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

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

+1 CC to M/s.M. JERIN MATHEW, Advocate (SR-17244[F] dated 07/04/2022)

H.C.P. (MD) No.516 of 2022

06.04.2022

PA(18.04.2022) 2P 5C