



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.553 of 2022

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N.Rathinavel

... Petitioner

Vs.

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

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

3.M.Muthuramalingam

4.M.Shanmugavalli

5.M.Poopandi

6.Muniyammal

... 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 body or person of the detainees namely, Harimugundhan and Nethaji, S/o.Rathinavel aged about 3 and 2 years respectively, who are the children of the petitioner before this Court and hand over the custody of the detainees with the petitioner.

For Petitioner : Mr.AK.Azagarsami

For Respondents 1 & 2: 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 his minor children namely, Harimugundhan and Nethaji, S/o.Rathinavel aged about 3 and 2 years respectively,

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

3. According to the petitioner, the minor children are under the illegal custody of the respondents 3 to 6, who are his in-laws.



4. The learned counsel for the petitioner would vehemently contend that the custody of the minor children with the respondents 3 to 6 being illegal, he is entitled to an order for production of the minor children.

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5. Mr.T.Senthil Kumar, learned Additional Public Prosecutor, upon instructions, would submit that the wife of the petitioner and mother of the detenues' committed suicide on 05.08.2021 and the petitioner had voluntarily handed over the custody of the children to his in-laws on 15.10.2021. Since the petitioner attempted to contract a second marriage, the in-laws had insisted him to return the jewels of his first wife, which resulted in a complaint being lodged before the Mudukulathur Police Station. Since the petitioner was summoned for enquiry by the Inspector of Police, Mudukulathur Police Station, the petitioner has come up with this Habeas Corpus Petition, as a retaliatory measure.

6. We are satisfied that there is no case for illegal custody. Therefore, this Habeas Corpus Petition is dismissed, leaving it open to the petitioner to approach the competent Civil Court seeking custody of the minor children.

Sd/-

Assistant Registrar (AS)

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/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
Keerathurai Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RD(25.04.2022) 2P 4C

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