



H.C.P.(MD)No.949 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

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S.Akila

.. Petitioner/Mother of the
Detenues

Vs.

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

2.The Inspector of Police,
Boothalur Police Station,
Thanjavur District.

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 2nd Respondent to produce the person or body of the Petitioner's Minor Daughter, namely, Arthika, D/o. Late. Saravanan,



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aged about 6 years and the Petitioner's minor son, namely, Aathidev, S/o. Late.Saravanan, aged about 2 years, before this Court and entrust the detenues' custody to the Petitioner.

For Petitioner : Mr.S.Vikram

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

The petitioner is the mother of the detenues, one female child, namely, Arthika, D/o. Late. Saravanan, aged about 6 years and one male child, namely, Aathidev, S/o. Late.Saravanan, aged about 2 years.

2. It is the case of the petitioner that she got married to one Saravanan and through the wedlock she has two children, Arthika, aged 6 years and Aathidev, aged 2 years. While so, Saravanan died on 30.05.2021 due to Corona virus. It is alleged by the petitioner that her two children are in the illegal custody of her parents as well as her parents-in-law. The present Habeas Corpus Petition has been filed even without impleading any of them as a party, but making only the police as a party. It is now the case of



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the petitioner that the two children are in the illegal custody of her parents and parents-in-law and hence, she prayed to issue a Writ of Habeas Corpus.

3. Heard Mr.S.Vikram, learned Counsel appearing for the petitioner and Mr.T.Senthil Kumar, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents.

4. On instructions, the learned Additional Public Prosecutor submitted that after the death of Saravanan, the petitioner went missing on 23.01.2022. In connection with which a complaint by one Ramamurthy (the petitioner's father), a case in Boothalur Police Station, in Crime No.72 of 2022 was registered on 09.02.2022 for 'woman missing' and during the course of investigation, the petitioner was secured by the police. When questioned, the petitioner appears to have given a statement that she is living with one Vinoth Raj and she is not in the illegal detention of anyone. She appears to have abandoned the children and gone with the said Vinoth Raj. It is reported that Aathidev is in the custody of Ramamurthy(the petitioner's father) and Arthika is in the custody of Muthulakshmi (the petitioner's mother-in-law).



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5. In such view of the matter, it cannot be stated that the children are in the illegal custody of their grandparents for the issuance of Writ of Habeas Corpus. Hence, this habeas corpus petition is closed with liberty to the petitioner to work out her remedy in the manner known to law.

[P.N.P.,J.] & [R.H.,J.]

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Index : Yes/No

Internet : Yes/No

PJL

To

1..The Superintendent of Police,
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Thanjavur.

2.The Inspector of Police,
Boothalur Police Station,
Thanjavur District.

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



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and
R.HEMALATHA, J.

PJL

ORDER MADE IN
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