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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.[MD]No.978 of 2022

Jeyakumari

: Petitioner

Vs.

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

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

3.Ayyanan

4.Muthulakshmi

: Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detainees namely Abirami, D/o.Murugesan, aged about 14 years and Mahendran S/o. Murugesan, aged about 11 years before this Court and hand over their custody to the petitioner.

For Petitioner : Mr.R.Mathiyalagan

For Respondents 1&2 : Mr.T.Senthil Kumar

Additional Public Prosecutor

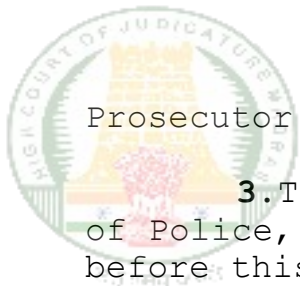
O R D E R

[Order of the Court was made by **R.HEMALATHA, J.**]

It is the case of the petitioner that she was married to one Murugesan and through the wedlock, she has two children namely Abirami aged about 14 years and Mahendran aged about 11 years. Murugesan died in a road accident on 27.05.2021, after which the petitioner got married to one Arun on 18.05.2022. It is the allegation of the petitioner that her two children are in the illegal detention of her parents [respondents 3 and 4 herein]. On these allegations, the present Habeas Corpus Petition has been filed.

2.Heard Mr.R.Mathiyalagan, learned Counsel appearing for the petitioner and Mr.T.Senthil Kumar, learned Additional Public

<https://hcservices.courts.gov.in/hcservices/>



Prosecutor who accepts notice on behalf of the respondents 1 & 2.

3.Today, Mr.R.Nagarajan [Mobile No.9498161572] Sub-Inspector of Police, Thanthonimalai Police Station, Karur District, is present before this Court.

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4.The police produced the third respondent, fourth respondent and the two children. When we interviewed the two children, they stated very clearly that they do not want to go with their mother and are now happy in the custody of their maternal grand parents. We do not want to record what the children told us and cause embarrassment to anybody. In such view of the matter, it cannot be stated that the two children are now in the illegal custody of their maternal grand parents for the issuance of a Writ of Habeas Corpus.

5.Accordingly, this Habeas Corpus Petition is closed, with liberty to the petitioner to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

MR

To:

- 1.The Superintendent of Police,
Karur District,
Karur.
- 2.The Inspector of Police,
Thanthonimalai Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s..R. MATHIYALAGAN, Advocate (SR-28089[F] dated 24/06/2022)

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24.06.2022

_RD(06.07.2022) 2P 5C