



HCP(MD)No.1042 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2022

CORAM

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **R.VIJAYAKUMAR**

H.C.P.(MD)No.1042 of 2022

Priyadharshini

.. Petitioner / mother
of the detenu

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police
Ramanathapuram District.

2.The Inspector of Police,
All Women Police Station,
Kamuthi
Ramanathapuram District.

3.Ponvel @ Velmurugan

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondent Nos.1 and 2 to produce the person or body of the detenues by name (1) Sudhiksha D/o.S.Ponvel @ Velmurugan, female aged about 6 years (2) Thaniksha D/o.Ponvel @ Velmurugan female aged about 3 ½ years before this Court and hand over the custody to the petitioner.



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For Petitioner : Mr.S.C.Haroon Rasheed

For Respondents : Mr.T.Senthilkumar
Additional Public Prosecutor

ORDER

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

It is the case of the petitioner that her two children, namely, Sudhiksha, aged 6 years and Thaniksha, aged 3 ½ years are in the illegal custody of the third respondent (her husband) and therefore, she has filed the present Habeas Corpus Petition.

2. Today, the petitioner, the third respondent and Mrs.Vimala, Inspector of Police, All Women Police Station are present.

3. On instructions, the learned Additional Public Prosecutor submitted that the petitioner was having an affair with one Senthilmurugan and eloped with him, after leaving the two children in the custody of the third respondent. On the complaint given by the third respondent, a petition enquiry in CSR No.37/2022 was registered. Similarly, on the complaint given by Priyadharshini (petitioner herein), a petition enquiry in CSR No.



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40/2022 was registered. In such view of the matter, it cannot be stated that the children are in the illegal custody of the third respondent for issuance of a writ of Habeas Corpus. Hence, this petition is closed with liberty to the petitioner to approach the appropriate Court seeking guardianship and custody.

(P.N.P.,J.) (R.V.,J.)
01.07.2022

Internet : Yes
RR

- To
- 1.The Superintendent of Police,
Office of the Superintendent of Police
Ramanathapuram District.
 - 2.The Inspector of Police,
All Women Police Station,
Kamuthi
Ramanathapuram District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.N.PRAKASH,J.
and
R.VIJAYAKUMAR, J.

RR

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