



H.C.P.(MD)No.1484 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1484 of 2022

P.Latha

.. Petitioner

Vs.

1.The Superintendent of Police
O/o. the Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police
Kovilpatti West Police Station,
Thoothukudi District.

3.E.Chinnathai

4.Silormani Thangam

.. Respondents

PRAYER: 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



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produce the person or body of the petitioner's Granddaughters namely, T. Thanga Kanaga (3-1/2 years old) D/o. Thangaraj and T. Thanga Sanjana (2-1/2 years old) D/o. Thangaraj, and hand over the custody to the petitioner.

For Petitioner : Mr.I.Pinaygash
For Respondents 1 & 2 : Mr.A.Thiruvadikumar
Additional Public Prosecutor
For 3rd respondent : Mr.Niranjan S.Kumar

ORDER

J.NISHA BANU, J.
and
N.ANAND VENKATESH, J.

This Habeas Corpus Petition was filed to produce the grand daughters of the petitioner, who are said to be in the illegal custody of the fourth respondent.

2. When the matter was taken up for hearing, the grand daughters of the petitioner were produced before this Court. They have



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come along with the fourth respondent. The petitioner and her husband were also present at the time of hearing.

3. We examined everyone including the small children.

4. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that the mother of the minor children is no more and the father has been remanded to custody based on the complaint, which was investigated in Crime No.359 of 2022 for the offence under Section 302 IPC.

5. After examining the parties, we find that the minor children are living with the paternal aunt namely, the fourth respondent. On seeing the body language of the minor children, we are able to come to a prima facie conclusion that they feel more comfortable with the fourth respondent.

6. The grand parents are seeking for custody of the children. This issue cannot be gone into in this Habeas Corpus Petition and they have



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necessarily workout their remedy only before the appropriate Court. Insofar as the issue of the guardianship and custody is concerned, we leave it open.

We conclude that the minor children are not in the illegal custody of the fourth respondent and in view of the same, no further orders can be passed in this Habeas Corpus Petition.

7. In view of the above, this Habeas Corpus Petition is closed.

(J.N.B.,J.) (N.A.V.,J.)
15.09.2022

Index : Yes/No
Internet : Yes
rm



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



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