



HCP(MD)No.1522 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **21.09.2022**

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1522 of 2022

N.Balakrishnan

... Petitioner / Father of the Detenu

/Vs./

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

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

3.The Sub-Inspector of Police,
Sedapatti Police Station,
Madurai District.

4.Malar

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the Respondents 2 and 3 to produce the body or person of the petitioner's minor daughters detenues namely Vishali (aged 13 years) and Kavisha (aged 11 years) from the custody of the fourth respondent and hand over the custody to the petitioner.



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For Petitioner : Mr.M.Gnanagurunathan
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor (For R1 to R3)

ORDER

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

This Habeas Corpus Petition has been filed by the petitioner, who is seeking for production of the body of the children, who is said to be in illegal custody of the fourth respondent, who is none other than the wife of the petitioner.

2. Heard Mr.M.Gnanagurunathan, learned counsel appearing for the petitioner and Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the official respondents.



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3. In the considered view of this Court, the children in the custody of the mother, by no stretch, can be called as 'illegal custody'. If there is a dispute with regard to the custody against the wish of the children, the same has to be worked out only before the appropriate Court in accordance with law and this Habeas Corpus Petition is not maintainable.

4. In view of the above, this Habeas Corpus Petition is dismissed.

(J.N.B.,J.) (N.A.V.,J.)
21.09.2022

Index : Yes/No
Internet : Yes
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To:

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



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