



H.C.P.(MD)No.1562 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1562 of 2022

Jeyachitra Amirdhanayagam

.. Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli.

3.C.Raja

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondents 1 and 2 to cause to produce body or person of the petitioner's son R.Niranjan, son of C.Raja,



H.C.P.(MD)No.1562 of 2022

aged about 10 years, before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.R.S.Sivaram

For Respondents 1 & 2 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed by the mother on the ground that her child aged about 10 years is in the illegal custody of the third respondent, who is admittedly the father of the child.

2. The learned Additional Public Prosecutor, on instructions, submitted that pursuant to the complaint given by the petitioner, the parties were called and the child was produced before the respondent police on 31.08.2022 and after enquiry, the complaint has been closed. The relevant documents were also produced before this Court.



H.C.P.(MD)No.1562 of 2022

WEB COPY

3. In the considered view of this Court, the child in the custody of the father, can by no stretch, be termed as an illegal custody. Even if the police had not acted on the complaint, this Court would not have entertained this Habeas Corpus Petition, since a Habeas Corpus Petition is maintainable only where the custody is illegal. If the petitioner is aggrieved by the fact that the child is held in the custody of the third respondent and the petitioner is not given an opportunity to see the child or to visit the child, the petitioner has to ventilate her grievance only before the concerned Court and this Court cannot entertain a Habeas Corpus Petition on this ground. Hence, except giving such a liberty, no further orders can be passed in this Habeas Corpus Petition.

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

(J.N.B.,J.) (N.A.V.,J.)
20.09.2022

Index : Yes/No
Internet : Yes
rm

Page 3 of 5



H.C.P.(MD)No.1562 of 2022

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



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