



H.C.P.(MD)No.1647 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHABANU

AND

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

H.C.P.(MD)No.1647 of 2022

Ananthi

: Petitioner/Mother of the
Detenu

Vs.

- 1.The State rep by
The Superintendent of Police,
Virudhunagar District.
- 2.The Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai,
Virudhunagar District.

3.Palanikumar

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the second respondents to produce the body or person of the detenu, petitioner's minor



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son Rahul, S/o.Palanikumar, aged about 12 years before this Court from the illegal custody of the third respondent and hand over the custody to the petitioner.

For Petitioner	: Mr.P.Thinesh
For R1 & R2	: Mr.A.Thiruvadikumar, Additional Public Prosecutor

ORDER

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

The mother has filed this petition seeking for the custody of her son, who is said to have been illegally detained by the third respondent, who is none other than the husband of the petitioner.

2.In the considered view of this Court, the present petition is not maintainable, since the child in the custody of the father can never be termed as an illegal custody. That apart, it is informed to us that the daughter is in the custody of the petitioner and the son is in the custody of the third respondent. Hence, if the petitioner seeks for custody of the child,



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the petitioner has to knock the doors of the appropriate forum and not by way of filing Habeas Corpus Petition. Except giving this liberty no further orders can be passed in this petition.

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

[J.N.B., J.] & [N.A.V, J.]
30.09.2022

To

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



WEB COPY



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and
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Ns

Order made in
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