



H.C.P.(MD)No.1857 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1857 of 2022

P.Durga

.. Petitioner

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai.

3.R.Saravanakumar

4.Amutha

.. Respondents



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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 produce the body or person of the detenues by name (1) Lohitha Sai, S/o.Saravanakumar, Male, aged about 3-1/2 years, (2) Rakshitha Sai, D/o.Saravanakumar, Female, aged about 2-1/2 years, who have been illegally detained by the respondents 3 and 4, before this Court and hand over the custody to the petitioner forthwith.

For Petitioner : Mr.S.Balasubramanian

For Respondents 1 & 2 : Mr.A.Thiruvadikumar

Additional Public Prosecutor

ORDER

M.S.RAMESH, J.

and

N.ANAND VENKATESH, J.

This Habeas Corpus Petition has been filed by the mother, who is seeking for the custody of her minor children, who is said to be in the illegal custody of the third and fourth respondents.



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2. Mrs.R.Thilagavathi, (Phone No.83000 16668), Inspector of Police, Thallakulam All Women Police Station, Madurai, was present before this Court, at the time of hearing. The learned Additional Public Prosecutor, on instructions, submitted that based on the complaint given by the petitioner, the second respondent police called all the parties and made an enquiry and both the petitioner as well as the third respondent, who is her husband, made a statement that they will work out their remedy before the competent Court. The relevant case files were also produced before this Court and it is seen that the petitioner has given in writing on 14.10.2022 that she will resolve the dispute before the Family Court.

3. In the considered view of this Court, the custody of the minor children with the third respondent cannot be termed as illegal custody, since he is the father. The dispute that has been brought forth before this Court cannot be resolved in a Habeas Corpus Petition and the parties will have to necessarily work out their remedy only before the competent Court. It will be left open to the petitioner to work out her remedy before the concerned Court in accordance with law.



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4. Accordingly, this Habeas Corpus Petition is disposed of.

(M.S.R.,J.) (N.A.V.,J.)
09.11.2022

Index : Yes/No
Internet : Yes
rm

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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