



H.C.P.(MD)No.1931 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.11.2022

CORAM

THE HON'BLE MR JUSTICE M.S. RAMESH
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1931 of 2022

Selvavenkatesan

... Petitioner

/Vs./

1.The Superintendent of Police,
Thenkasi Distirct, Thenkasi.

2.The Inspector of Police,
Courtalam Police Station,
Thenkasi District.

3.Janani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure and produce the person or body of the detenue, Petitioner's minor son Muthu Siva aged about 7 years from the illegal detention of the 3rd respondent and handover custody to the petitioner.

For Petitioner : Mr.S.Sundarapandian

For Respondents : Mr.A.Thiruvadi Kumar (R1 & R2)

Additional Public Prosecutor



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ORDER

(Order of the Court was made by **N. ANAND VENKATESH, J.**)

This petition has been filed by the father of the detenu on the ground that the child aged about 7 years is detained by the third respondent and the petitioner is not even permitted to visit the child.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the official respondents.

3. The third respondent in this case is none other than the mother of the detenu and the custody of the child in the hands of the third respondent can, by no stretch, be called as illegal custody.

4. If the petitioner is not permitted to have even visitation rights, he can work out his remedy before the concerned Family Court and seek for the custody / visitation rights. No such direction can be issued in this



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Habeas Corpus Petition. Except giving this clarity, no further orders can be passed in this petition. Accordingly, this Habeas Corpus Petition is closed.

(M.S.R.,J.) (N.A.V.,J.)
21.11.2022

Index : Yes/No
Internet : Yes
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TO:

- 1.The Superintendent of Police,
Thenkasi Distirct, Thenkasi.
- 2.The Inspector of Police,
Courtalam Police Station,
Thenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S. RAMESH, J.

and

N. ANAND VENKATESH, J.

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Order made in
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Dated
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