



HCP(MD)No.1940 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

HCP (MD).No.1940 of 2022

N.Satheeshkumar

: Petitioner

Vs

1.The Superintendent of Police
Kanyakumari District
At Nagercoil.

2.The Inspector of Police,
Thiruvattaru Police Station,
Kanyakumari District

3.Varsha

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Habeas Corpus to direct the official respondents to produce the petitioner's son namely S.V.Thanvit aged 3 ½ years before this Court by rescuing him from the illegal custody of the 3rd respondent and handover him custody to the petitioner.



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For Petitioner : Mr.Ananth C.Rajesh
For Respondents : Mr.A.Thiruvadikumar for R1 & R2
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed by the father of the detenu on the ground that his child, viz., Thanvit, aged about 3½ years is now in the custody of the third respondent and the petitioner is not even be allowed to have visitation rights.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3. In the considered view of this Court, the custody of the child in the hands of the third respondent can never be termed as an illegal custody. If the petitioner seeks for custody/visitation rights, the petitioner has to work out his rights only before the competent Court and filing Habeas Corpus Petition is not the appropriate remedy for the petitioner.



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4. In view of the above, this petition is closed.

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[M.S.R.,J] [N.A.V.,J]
22.11.2022

Index : Yes / No
Internet : Yes
RR

To

1. The Superintendent of Police
Kanyakumari District
At Nagercoil.
2. The Inspector of Police,
Thiruvattaru Police Station,
Kanyakumari District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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