



HCP(MD)No.1971 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.12.2022

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

H.C.P.(MD)No.1971 of 2022

Thilagakkani

.. Petitioner/ mother of the
Detenu

Vs.

1.The State represented by
The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi.

2.The State Rep. by
The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.

3.Shanmugaraj

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, directing the 1st and 2nd respondents herein to
produce the body or person of the detenu namely, minor Madhu Bala,



HCP(MD)No.1971 of 2022

daughter of Shanmugaraj, female, aged about 1.5 years, who is in the custody of 3rd respondent herein before this Court and handover her custody to the petitioner.

For Petitioner : Mr.R.Shankar Ganesh
for M/s.Shabanal A

For Respondents : Mr.S.Ravi
Additional Public Prosecutor
for R1 and R2

Mr.T.Kanagaraj for R3

ORDER

DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.

This petition has been filed by the mother of the detenu, minor Madhu Bala, daughter of Shanmugaraj, alleging that her husband forcibly taken away her 1 ½ years old daughter.

2.From the complaint, dated 25.10.2022, this Court finds that the petitioner got admitted in the Sankarankovil hospital on 07.10.2022 for



HCP(MD)No.1971 of 2022

treatment and since she has developed prenatal complications, she was referred to Tirunelveli Government Hospital, where she delivered a still born child on 09.10.2022. After recovery, she has gone to her parents house on 14.10.2022. Alleging that her 1½ years old daughter been taken away by her husband forcibly, she has given a police complaint and also filed the present Habeas Corpus Petition before this Court.

3. The Habeas Corpus Petition is signed by the counsel on 21.11.2022. The reading of the complaint clearly indicates that the petitioner, who was conceived, has gone to the hospital due to prenatal complications and now staying at her parents house. It is unfortunate that the learned counsel for the petitioner, instead of properly advising the petitioner, has rushed to the Court as well as to the police station by filing this petition complicating and making worse the marital life of the petitioner as well as her husband and also the welfare of the minor child.

4. This kind of tendency is slowly developing and the same has to be nipped at its bud. Hence, the bar members are requested not to abuse the



HCP(MD)No.1971 of 2022

extraordinary jurisdiction of this Court conferred under Section 226 of the Constitution of India by filing frivolous petitions like this, which directly affects the fabric of family. With this observation, this Habeas Corpus Petition is dismissed.

[G.J.,J.] & [S.M.,J.]
09.12.2022

Index: Yes/No
Internet: Yes/No

PJL

To
1.The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi.

2.The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.

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



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HCP(MD)No.1971 of 2022

**DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.**

PJL

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