



H.C.P.(MD) No.2045 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

CORAM:

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

H.C.P.(MD) No.2045 of 2022

S.Saranya

... Petitioner

-VS-

1.The Superintendent of Police,
Karur District,
Karur.

2.The Inspector of Police,
Karur Police Station,
Karur,
Karur District.

3.Kanagaraj

... 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 herein to secure the petitioner's son, namely, Abinav Harshan aged 7 years old, from the illegal custody of the third respondent and produce the child before this Court and handover him to the petitioner's custody.



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For Petitioner : Mr.S.Bharathy Kannan
For R1 & R2 : Mr.S.Ravi
Additional Public Prosecutor

ORDER

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

The petition filed by the mother of the detinue, who is estranged from her husband. The allegation found in the petition is that the petitioner's son Abinav Harshan, aged about 7 years alleged to be in illegal custody of the third respondent, who is none other than the father of the minor boy.

2. A reading of the averments made in the affidavit it appears that the petitioner is working in Garments Company at Karur and her husband, the third respondent, is jobless person and Alcoholic. Alleging that the third respondent has indulging in sexual harassment of neighbouring children, she has separated from her husband. On 10.09.2022 she gave a complaint to the All Women Police Station, Karur regarding illtreatment caused by the third respondent. When she



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went to the police station along with her minor son, it is alleged that the third respondent forcibly grab the minor boy and took custody illegally. Hence, the present Habeas Corpus Petition is filed to produce the child before this Hon'ble Court and handover him to the petitioner's custody, who is the natural guardian.

3. In normal circumstances, the Court would have give the custody of the child to the natural guardian if really any illegal detention or threat to the life of the minor child. But, here is a case, the dispute between the parents of the minor boy and hence, the petitioner has to work out her remedy in the manner known to law and cannot try to exploit the extraordinary jurisdiction of the Court invoking under Article 226 of the Constitution of India by filing the writ petition seeking Habeas Corpus.

4. Accordingly, this petition is dismissed with liberty to the petitioner herein to work out her remedy in accordance with law. No costs.

[G.J.,J.] [S.M.,J.]
07.12.2022

Index : Yes / No
Internet : Yes / No
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To

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Karur.
- 2.The Inspector of Police,
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Karur,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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