



H.C.P.(MD) No.2084 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

CORAM:

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

H.C.P.(MD) No.2084 of 2022

Tamil Selvi

... Petitioner

-VS-

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Solaigramam Police Station,
Ilayangudi Taluk,
Sivagangai District.

3.Kannan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, directing the respondents 1 & 2 to produce the petitioner's minor children namely 1) Prakya aged 7 years and 2) Minor son Kavnilavan, aged 2 ½ years in person or bodies of detinue before this Court and hand over the custody to the petitioner.



H.C.P.(MD) No.2084 of 2022

WEB COPY

For Petitioner : Mr.P.Muthusamy
For R1 & R2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R3 : Mr.S.Malaikani

ORDER

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

The Habeas Corpus Petition is filed by the mother of the detenue alleging that the father has taken the custody of the two minor children and not taking care of them.

2. The affidavit filed in support of the petition reveals that there is a matrimonial dispute between the husband and wife and two children are been used as a bond to settle their dispute.



H.C.P.(MD) No.2084 of 2022

WEB COPY

3. The petitioner is a wife of the third respondent alleges that she has completed M.Sc., B.Ed., and qualified to get an employment as a Teacher. Her husband infuriated by that, has assaulted her causing severe fracture in the spinal cord and L2, L3 bones has broken and she was taken treatment as Inpatient. A complaint in Cr.No.75 of 2022 alleging abuse of causing grievous injury, intimidation, harassment of women was charged and the same being taken up for investigation. In the said circumstances, the children been taken by the third respondent and refused to allow her to see them.

4. The very reading of the affidavit clearly indicates that this is a matrimonial dispute between the husband and wife. The children at present in the custody of the third respondent.

5. The learned counsel appearing for the third respondent would submit that the children are living happily with the third respondent and taken care properly.



H.C.P.(MD) No.2084 of 2022

WEB COPY 6. These are all the disputed facts which has to be decided by the Court by conducting trial. Hence, this Habeas Corpus Petition is dismissed with liberty to the petitioner to approach the competent Court seeking custody of the children.

[G.J.,J.] [S.M.,J.]
19.12.2022

Index : Yes / No
Internet : Yes / No
am

To

- 1.The Superintendent of Police,
Sivagangai District.
- 2.The Inspector of Police,
Solaigramam Police Station,
Ilayangudi Taluk,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD) No.2084 of 2022

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

am

H.C.P.(MD) No.2084 of 2022

19.12.2022