



HCP No.208 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

Coram

The Hon'ble Mr. Justice **M.SUNDAR**
and

The Hon'ble Mr. Justice **M.NIRMAL KUMAR**

H.C.P.No.208 of 2023

Dhanalakshmi

.. Petitioner

-VS-

1.The Commissioner of Police,
132, EVK Sampath Road,
Vepery, Periyamet, Chennai – 7.

2.The Inspector of Police,
All Women Police Station,
Thirumangalam, Chennai.

3.Ramesh
4.Jayalalitha
Respondents

..

Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus to direct the second
respondent to produce petitioner's daughter XXXX (F/12 years)
before this Court who is in the illegal custody of the third and fourth



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respondents and hand over to the petitioner.

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For Petitioner : Mr.M.Rajeswaran
for M/s.Nathan and Associates

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
for R1 and R2

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

In the captioned habeas corpus petition, it comes to light that it is a tussle between spouses (petitioner and third respondent) for custody of minor girl child. To be noted, petitioner and third respondent are spouses. This minor girl shall be referred to as 'absentee' for the sake of convenience and clarity.

2. The absentee was present in Court along with third respondent. We had a short interaction with the absentee and the absentee has no complaints and confirms that she is with her father.

3. However, as it is a tussle for guardianship and custody between the two parents, all the rights of the petitioner including the



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right to approach Single Bench or Division Bench or any other Court/Fora are preserved. We make it clear that we have not expressed any opinion or view on merits in this matter. If the petitioner chooses to invoke proceedings in any other Court or Fora, this order will neither impede nor act as impetus.

4. Captioned habeas corpus petition is disposed of as closed recording the above position. There shall be no order as to costs.

(M.S., J.) (M.N.K., J.)
09.02.2023

Index:Yes/No
Neutral Citation : Yes/No
mmi

To

- 1.The Commissioner of Police,
132, EVK Sampath Road,
Vepery, Periyamet, Chennai – 7.
- 2.The Inspector of Police,
All Women Police Station,
Thirumangalam, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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**M.SUNDAR, J.
and
M.NIRMAL KUMAR, J.**

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