



H.C.P.No.719 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2023

Coram

The Honourable Mr. Justice **C.V.KARTHIKEYAN**
and

The Honourable Mr. Justice **SENTHILKUMAR RAMAMOORTHY**

H.C.P.No.719 of 2023

Kumari

.. Petitioner

Vs.

1.State of Tamil Nadu represented by
Sub-Inspector of Police,
All Women Police Station,
Arakkonam, Ranipet District.

2.Vijayaprabakaran

3.Harikrishnan

4.Shanthi

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the first respondent herein to produce the petitioner's sons viz. Anusree, aged 9 years and Aneesh, aged 7 years, before this Court and hand over the custody of them to the petitioner.



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H.C.P.No.719 of 2023

For Petitioner : Mr.A.Gouthaman

For R1 : Mr.A.Damodaran
Addl. Public Prosecutor

ORDER

[Order of the Court was made by *C.V.KARTHIKEYAN, J.*]

This habeas corpus petition has been filed by the petitioner seeking a direction to the first respondent herein to produce her children *viz.* Anusree, aged 9 years and Aneesh, aged 7 years, before this Court and hand over the custody of them to her.

2. The petitioner is the mother questioning the unlawful custody by the second respondent/father of the two children, one aged about 9 years and the other aged about 7 years.

3. The learned counsel for the petitioner/mother appeared through video conferencing raised a grievance and stated that the children are under the unlawful custody of the second respondent/father.



H.C.P.No.719 of 2023

4. Incidentally, the petitioner has also impleaded her parents-in-law as third and fourth respondents. These are issues relating to the custody of children. The issue of custody of child can be examined only by filing a separate original petition. Unfortunately, invoking habeas corpus petition is not the proper answer to address the grievance raised by the petitioner herein. The Court cannot usurp its jurisdiction, when the jurisdiction is vested under the Guardians and Wards Act.

5. The habeas corpus petition is disposed, granting liberty to the petitioner to move the appropriate petition.

(S.K.R.,J.)
nsd

(C.V.K.,J.)

17.05.2023

To

1. The Sub-Inspector of Police,
All Women Police Station,
Arakkonam, Ranipet District.

2. The Public Prosecutor,
High Court, Madras.



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C.V.KARTHIKEYAN, J.
and
SENTHILKUMAR RAMAMOORTHY, J.

nsd

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