



H.C.P.(MD) No.30 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM:

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

H.C.P.(MD) No.30 of 2023

M.Ramakrishnan

... Petitioner

-VS-

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Manamadurai Sub-Division,
Manamadurai,
Sivagangai District.
- 3.The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
- 4.A.Kowsalya

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, directing the respondents 1 to 3 herein to produce the



H.C.P.(MD) No.30 of 2023

petitioner's son namely R.Kavisudhan/Detenu, S/o.Ramakrishnan, aged about 4 years before this Court and hence over him custody to the petitioner within the time stipulated by this Court.

For Petitioner	: Mr.C.Gangai Amaran
For R1 to R3	: Mr.R.Meenakshi Sundaram Additional Public Prosecutor
For R4	: Mr.R.Senthil Kumar

ORDER

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

The petitioner is the father of the child aged 4 years. Alleging that his wife has forcibly taken the custody of the child and living elsewhere, the present Habeas Corpus Petition has been filed.

2. Today, the child/detenu, mother as well as the petitioner present. On enquiry, it reveals that there is a discord in the matrimonial life between the husband and wife, which has forced the mother to take away the child and having the custody of the child with her. Instantly, the mother is working as Police



H.C.P.(MD) No.30 of 2023

WEB COPY

Constable in the Armed Reserve Police at Chennai and residing at Pudupettai, Egmore along with child and the child is put in a creche and the mother admits that she is searching for admission for proper school for formal education.

3. Considering the above fact, the child being 4 years is under the care and custody of the mother, we do not find any illegal detention, hence, this habeas corpus petition is dismissed. It is open to the petitioner to approach the appropriate forum seeking custody of the child.

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
am

[G.J.,J.] [S.M.,J.]
09.01.2023



H.C.P.(MD) No.30 of 2023

WEB COPY

To

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Manamadurai Sub-Division,
Manamadurai,
Sivagangai District.
- 3.The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD) No.30 of 2023

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

am

H.C.P.(MD) No.30 of 2023

09.01.2023