



H.C.P(MD)No.66 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

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Amalarani

.. Petitioner/Mother of the
Detenu

Vs.

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

2. The Deputy Superintendent of Police,
Kottaipattinam,
Pudukottai District.

3.The Inspector of Police,
All Women Police Station,
Kottaipattinam,
Pudukottai District.

4.Joseph Antony Raj

.. 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 to
produce the person or body of the petitioner's son, by name, Joshva



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Abinav, aged 5 years, before this Court and set her at liberty.

For Petitioner : Mr.K.Kaleeswaran

For Respondents : Mr.A.Thiruvadikumar
Additional Public
Prosecutor
for R1 to R3
Mr.P.Ganapahi
Subramanian
for R4

ORDER

DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

When the matter was taken up for consideration on 27.01.2023,
this Court has passed the following order:

“This Habeas Corpus Petition is filed by the mother of the detenu alleging that her husband has forcibly taken away the child, who was playing in the front-yard of the house, on 28.12.2022.

2.From the records, this Court finds that the minor child Joshva Abinav, was under the care of the mother, the petitioner herein and was pursuing his first standard at V.V.D Memorial Primary School, Arokiyapuram, Thoothukudi District. While so, when the petitioner along with the child



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went to Pudukkottai to attend the Mediation proceedings at Aranthangi, the fourth respondent has forcibly taken away the minor child. 3.Today, the detenu was produced before this Court. The petitioner and the fourth respondent also present before this Court. After enquiring on them, this Court finds that the child, who was with the custody of the petitioner till 27.12.2022, was being forcibly taken away by the fourth respondent and therefore, this Court, to protect the best interest of the child, who is pursuing his studies in Thoothukudi, order the child be with the care and custody of the mother, where she is working. Therefore, the fourth respondent is directed to hand over the boy to the petitioner herein.

4. Further, being the matrimonial dispute, the interest of the minor child is involved, this Court wants to ensure and explore the possibility of reconciling between the parents. Hence, the matter is referred to Mediation and Conciliation Centre attached to this Court. Accordingly, Registry is directed to place the matter before the Mediation and Conciliation Centre, attached to this Court.



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Pending Mediation, the child will be with the care and custody of the petitioner herein. The fourth respondent being the father of the minor child, shall have right to visit the child as and when he wishes.

5.Post the matter before this Court, on 28.02.2023.”

2. In continuation of the above order, the matter been considered by the Mediation Centre attached to this Court. Today, the learned counsels for the parties report that the parties are not able to arrive at amicable solution and they have decided to work out their remedy before the appropriate Court regarding the custody of the child.

3. Recording the above submission made by both side counsels, this Habeas Corpus Petition is closed.

[G.J.,J.] &

[K.K.R.K.,J.]

28.02.2023

Internet :Yes

Index :Yes/No

NCC :Yes/No

PJL



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To

1. The Superintendent of Police,
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Kottaipattinam,
Pudukottai District.

3. The Inspector of Police,
All Women Police Station,
Kottaipattinam,
Pudukottai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
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