



HCP(MD)No.119 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.01.2023

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

H.C.P.(MD)No.119 of 2023

Vijitha

.. Petitioner /Mother of the
Detenu

Vs.

- 1.The Superintendent of Police,
Karur District.
- 2.The Deputy Superintendent of Police,
Aravakurichi,
Karur District.
- 3.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
- 4.The Inspector of Police,
All Women Police Station,
K.Paramathy,
Karur District.
- 5.Hariharan
- 6.R.Thangavel
- 7.Chandra

.. Respondents



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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 body or person of the detenu namely Umayal, daughter of Hariharan, aged about 3 years before this Court and hand over the custody of the petitioner's daughter to the petitioner.

For Petitioner :Mr.S.Balaji

For R1 to R4 :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

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

The petitioner Vijitha is before this Court seeking issuance of writ of Habeas Corpus Petition alleging that her husband, who is the fifth respondent herein, has forcibly taken away her 3 years old child with him and demanding further dowry of 50 sovereigns of gold and Rs.5 lakhs.

2.In this connection, she has stated that a complaint, before Velayuthampalayam Police Station, Karur District, lodged by her, but even no consequence. Again she made another complaint before All Women



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Police Station, Paramathy, on 04.12.2022, but they have not investigated.

Alleging that the third and fourth respondents are inactive on her written complaint, the present Habeas Corpus Petition is filed apprehending that the whereabouts of her daughter not known and she fears about the safety of the daughter.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 4 submitted that the petitioner and the fifth respondent loved each other and got married on 17.10.2017 and a female child was born to them, on 29.05.2019. Initially they were residing in a rental house at Bangalore and subsequently, due to matrimonial discard, a dowry complaint was given by the petitioner to the third respondent and another complaint was given to the fourth respondent regarding the custody of the child. While the fourth respondent was called for an enquiry, she came to know that her husband(fifth respondent), has already initiated divorce proceedings at Namakkal Family Court, and the same is pending in F.C.O.P.No.319 of 2022 and the child is in the custody of her husband



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4.In view of the above, this Court finds that suppressing the above facts, the present Habeas Corpus Petition is filed. If at all the petitioner is aggrieved by any cruelty, including the custody of the child, it to be agitated before the Family Court, where F.C.O.P.No.319 of 2022, is pending. Hence, this petition is dismissed.

(G.J.,J.) (S.M.,J.)
27.01.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

- 1.The Superintendent of Police,
Karur District.
- 2.The Deputy Superintendent of Police,
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Karur District.
- 3.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
- 4.The Inspector of Police,
All Women Police Station,
K.Paramathy,
Karur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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