



HCP(MD)No.219 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.02.2023

CORAM

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

H.C.P.(MD)No.219 of 2023

K.Maheshwari

.. Petitioner / Mother of
the Detenu

Vs.

1.The Deputy Superintendent of Police,
O/o.District Superintendent of Police,
Kamuthi,
Ramanathapuram District.

2.The Inspector of Police,
All Women Police Station,
Kamuthi,
Ramanathapuram District.

3.M.Karthik

4.Mr.Mari

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the person or body of the petitioner's son/detenu by namely Kali Aadvik, S/o.Karthik, aged about 3 years before this Court and hand over his custody to the petitioner.



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For Petitioner :Mr.K.Manoharan
For R1 & R2 :Mr.A.Thiruvadikumar
Additional Public Prosecutor
For R4 :Mr.V.S.Kishok Kumar

ORDER

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

This Habeas Corpus Petition is filed by the mother of 3 ½ years old boy.

2.According to the petitioner, she and her husband are not in good terms and she is living with her mother. While so, on 06.02.2023 her father-in-law Mari and his relative one Alazar came to her house under the pretext of negotiating between the family and forcibly took away 3 ½ years old boy with them. Therefore, she gave a complaint to the Superintendent of Police, Kamuthi. The said complaint was registered by All Women Police Station, Kamuthi, in C.S.R.No.20 of 2023. Hence, the present Habeas Corpus Petition is filed to bring the body of her son.



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3.Today, after notice, the child was produced before this Court by the petitioner's husband viz., Karthik, who is the third respondent herein. The petitioner is having another child, 7 months old and that child was also brought to this Court today. The husband and wife exchanged the child and had some talk. Finally, 3 ½ years old boy is handed over to the mother, the petitioner herein, on condition that the parties to sort out their dispute amicably or through Court in the manner known to law, till then the custody of the child will be with the mother and the father shall have right to visit the child as and when he wishes.

4.With the above observations, this Habeas Corpus Petition stands closed.

(G.J.,J.) (K.K.R.K.,J.)
20.02.2023

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



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

To

- 1.The Deputy Superintendent of Police,
O/o.District Superintendent of Police,
Kamuthi,
Ramanathapuram District.
- 2.The Inspector of Police,
All Women Police Station,
Kamuthi,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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