



H.C.P(MD)No.655 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.655 of 2023

Suriyapriya

.. Petitioner/
Mother of the detenu

Vs.

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

2.The Inspector of Police,
Veerapandi Police Station,
Theni District.

3. Ayyanar

4. Thangaraj

5. Jeevanandham

6. Madhavan

.. Respondents

Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, to direct the respondents 1 and 2 to



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produce the person or body of the petitioner's minor son, namely, Chandru, aged about 5 years, before this Court and handover the custody to the petitioner.

For Petitioner : Mr.S.Srikanth
For Respondents 1&2 : Mr.RMS.Sethuraman
Additional Public Prosecutor
For Respondent No.3 : Mr.K.Rajeswaran

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

The petition has been filed by the mother of the detenu to direct the respondents 1 and 2 to produce the person or body of the petitioner's minor son, namely, Chandru, aged about 5 years, before this Court and hand over the custody of the detenu to the petitioner.

2. The respondent police has produced the detenu child namely, Chandru of 5 years old along with the third respondent, who is the father of the child and the husband of the petitioner. The third respondent has stated that six years back, marriage solemnized between them, out of the wedlock the detenu child was born. After some time, there was a strained



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relationship between them with the result, according to the third respondent, the petitioner left the matrimonial home and at present for the past nearly about 8 months the detenu child is with the third respondent and he is only looking after him.

3. However, the petitioner submits that she was physically ill for some time nearly about one year, with the result there has been a strained relationship and even now, the petitioner does not want to live together with the third respondent. She only wants the detenu child to be given back custody to her.

4. We have recorded the said statement made by both the petitioner as well as the third respondent.

5. Since both are husband and wife and they are the parents of the detenu child, the child either should be with the petitioner or should be with the third respondent as both are natural guardians and at present the child is with the third respondent and ofcourse with regard to the custody of the said child, it is for the petitioner to approach the concerned Court



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under personal law remedies.

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6. For the purpose of this Habeas Corpus Petition, the detenu child is not in illegal custody of anyone as the child is with the third respondent, who is none other than the father of the child, therefore, recording the same, this Habeas Corpus Petition is closed.

[R.S.K.,J.] & [K.K.R.K.,J.]
06.06.2023

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

To

1. The Superintendent of Police,
Theni District,
Theni.
2. The Inspector of Police,
Veerapandi Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**R.SURESH KUMAR,J.
and
K.K.RAMAKRISHNAN,J.**

PJL

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