



HCP(MD)No.677 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.677 of 2023

Indira

.. Petitioner / Grandmother of the
Detenus

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

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

3.Usha

4.Mohana Vivek

.. Respondents

PRAYER: 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 detenu namely Harish Karthick Raja, Son



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of Mohana Vivek aged about 7 months before this Court and handover the custody of the child to his mother Nalli and to the petitioner.

For Petitioner : Mr.N.Anandakumaran

For Respondents : Mr.RMS.Sethuraman,
Addl. Public Prosecutor for R1 &
R2
Mr.A.Uthaya Kumar for R3 & R4

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The baby Harish Karthick Raja, aged about 7 months, is the son of the 4th respondent and one Nalli, daughter of the petitioner herein. While the petitioner is the maternal grandmother of the baby, the third respondent is the paternal grandmother. It is the case of the petitioner that the mental growth of her daughter and the 4th respondent herein is below average. Since the respondents 3 and 4 have the custody of the child and refusing to restore the custody of the baby to her, she has filed the present Habeas Corpus Petition.



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4. In this background, we are of the view that the child can be in the present custody of the respondents 3 and 4 herein and the petitioner could be granted liberty to approach the concerned civil Court seeking for custodial rights of the child.

5. Accordingly, the Habeas Corpus Petition stands closed. In case, the petitioner is of the view that she can maintain an application seeking for custody of the child, liberty is granted to her to workout a remedy in accordance with law. We make it clear that we have not expressed any of our views with regard to the petitioner's entitlement to seek for such a custody and that the concerned Court, if such an application is made, shall decide the claim on its own merits and in accordance with law.

(M.S.R.,J.) (M.N.K.,J.)
02.08.2023

NCC : Yes / No
Index : Yes / No
vsm



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Ramanathapuram.
- 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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M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

vsm

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