



HCP(MD)No.831 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.07.2023

CORAM

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

H.C.P.(MD)No.831 of 2023

G.Raghunathan

.. Petitioner/Father of the
Detenue

Vs.

1.State represented by Inspector of Police,
All Women Police Station,
Nagercoil.

2.Sivakgamini Manthiramoorthy

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the first respondent herein to produce the corpus or body of the petitioner's daughter namely Minor Aditi Raghunathan aged 11 years and produce her before this Court and hand over her custody to the petitioner.

For Petitioner	: M/s.Auxilia Peter
For R-1	: Mr.RMS.Sethuraman Additional Public Prosecutor
For R-2	: Mr.S.Anwar Sameem



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ORDER

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

The present petition is filed for issuance of a writ of Habeas Corpus to produce the person or body of the detinue, who is the daughter of the petitioner herein and hand over her custody to the petitioner.

2. The alleged detinue is the daughter of the petitioner herein. Admittedly, the petitioner and his wife, who is the second respondent herein, are in an estranged relationship for the past ten years. It is the case of the petitioner that when he had gone to the second respondent's house for the purpose of visiting his minor daughter, the door was locked and therefore, he has filed the present Habeas Corpus Petition.

3. It is not the case of the petitioner that his minor daughter is in an illegal custody of the second respondent herein. Nor has he questioned the safety of the child who is in the custody of the second respondent mother. If the petitioner is unable to see his daughter for any reason, whatsoever, it is always open to him to seek for such visitation rights before the appropriate



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civil forum. This Court exercising its powers under Article 226 of the Constitution of India will not be facilitating the petitioner for such visitation rights in a Habeas Corpus Petition. Thus, there are no merits in the present Habeas Corpus Petition.

4. Accordingly, this Habeas Corpus Petition is dismissed.

(M.S.R.,J.) (M.N.K.,J.)
10.07.2023

NCC : Yes / No
Index : Yes / No
Lm/Tsg

To

- 1.The Inspector of Police,
All Women Police Station,
Nagercoil.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
M.NIRMAL KUMAR,J.

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