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HCP.No.617 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

H.C.P.No.617 of 2024

Akshaya

.... Petitioner

Vs

1. The Superintendent of Police
Dharmapuri, Dharmapuri District

2 The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.

3 Ravikumar

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to direct the 2nd respondent to produce the petitioner's minor, child, Minor Mokshitha, aged 4 years and Minor Rakshitha, aged 2 years before this Hon`ble Court from the custody of the 3rd respondent and handover to the petitioner.



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HCP.No.617 of 2024

For Petitioner : Mr. R.Rajkumar

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
for R1 & R2

: Mr. M.R.Jothimanian
for R3

ORDER

(Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

To direct the 2nd respondent to produce the petitioner's minor children, Minor Mokshitha, aged 4 years and Minor Rakshitha, aged 2 years and hand over the custody of the minor children to the petitioner/mother, the present Writ of Habeas Corpus Petition has been filed.

2. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that on investigation, the authorities found that the minor children are not illegally detained. The petitioner is aware of the fact that the minor children are living with the 3rd respondent. Admittedly, matrimonial dispute exists between the petitioner and the 3rd respondent. Therefore, there is no illegal detention of minor children.



HCP.No.617 of 2024

WEB COPY

3.Mr.M.R.Jothimanian, learned counsel appearing on behalf of the 3rd respondent would submit that the 3rd respondent is ready and willing to resume the matrimonial life with the petitioner/wife.

4.On enquiry, it is found that the custody of the minor children are not illegal nor the children are illegally detained by any person. Since the 3rd respondent is willing to resume the matrimonial life with the petitioner/wife, question of considering the Habeas Corpus Petition would not arise at all.

5. Accordingly, the Habeas Corpus Petition is dismissed.

[S.M.S., J.]

[V.S.G., J.]

12.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
mrp



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- To
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 - 2 The Inspector of Police,
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Dharmapuri District.
 3. The Public Prosecutor,
High Court, Madras.



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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

mrp

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