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H.C.P.No.1494 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :

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

H.C.P.No.1494 of 2024

M.Swathi

.. Petitioner

Versus

1. The Superintendent of Police,
Cuddalore District Police Department,
No.18, Pudukuppam, New Street, Meenakshi Nagar,
Pudukuppam, Cuddalore - 607 001.
2. The Inspector of Police,
All Women Police Station, Cuddalore - 607 001.
3. G.Ranjith
4. Monica

.. Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, to direct the respondent 2 to produce the petitioner's minor son Nithish who is in the illegal confinement of the respondents 3 and 4 before the Court and hand over the minor child to the custody of the petitioner.



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For Petitioner : Mr.R.Karunakaran,
for Mrs.S.Alamelu

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor,
for RR-1 and 2

: Mrs.R.Pushpalatha, for R3

ORDER

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

The Writ of Habeas Corpus has been instituted to direct the second respondent to produce the petitioner's minor son namely, Nithish, who is in the illegal confinement of the respondent Nos.3 and 4, before the Court and hand over the minor child to the custody of the petitioner.

2. The learned Counsel for the petitioner would submit that now, the minor child, aged about one year and three months, is with the custody of the petitioner/mother. Since the petitioner has taken the custody of the minor child, aged about one year and three months, no further adjudication needs to be undertaken in respect of the relief sought for in the present Habeas Corpus Petition. However, the parties are at liberty to resolve the matrimonial disputes before the appropriate Court of law. In respect of the



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minor child, aged about one year and three months, the mother is entitled to have the custody of the child since the child is below five years.

3. This Habeas Corpus Petition stands disposed of.

[S.M.S., J]
22.08.2024

[V.S.G., J]

Index : yes
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Superintendent of Police,
Cuddalore District Police Department,
No.18, Pudukuppam, New Street, Meenakshi Nagar,
Pudukuppam, Cuddalore - 607 001.
2. The Inspector of Police,
All Women Police Station, Cuddalore - 607 001.
3. The Public Prosecutor,
High Court of Madras.



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

grs

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