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H.C.P.No.1708 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

**H.C.P.No.1708 of 2024**

D.Sivakumar

... Petitioner

***Vs.***

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

2.The Sub Inspector of Police,  
Panamadangi Police Station,  
Katpadi Sub Division,  
Vellore District.

3.Santhosh

... Respondents

**Prayer:** Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body of petitioner's wife Rekha, aged about 35 years and his daughter Rathika, aged about 9 years, who were confined illegally by 3<sup>rd</sup> respondent and produce them before this Court and set them at liberty.

For Petitioner

: Mr.D.Rajagopal



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For Respondents

: Mr.A.Gokulakrishnan,  
Additional Public Prosecutor

### **ORDER**

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

Alleging that the third respondent herein, had forcibly abducted the petitioner's wife and his minor daughter, the present Habeas Corpus Petition has been filed.

2. Pending the HCP, the respondent Police have traced his wife and minor daughter and produced before us today. When we interacted with the petitioner's wife, she confirmed that the third respondent had not abducted or kidnapped them and that she had voluntarily left the house of the petitioner.

3. Since the minor child is under the care and protection of the petitioner's wife, who is the legal and natural guardian of the minor child, this is not a case of illegal custody and hence, we are unable to entertain



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the prayer sought for in this petition.

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4. Accordingly, this Habeas Corpus Petition stands closed. In case, the petitioner is of the view that he intends to seek for custody of the minor child, liberty is hereby granted to him to workout his remedy in accordance with law. No costs.

[M.S.R., J]

[S.M., J]

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

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**M.S.RAMESH, J.**  
**and**  
**SUNDER MOHAN, J.**

*Sni*

To

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

2.The Sub Inspector of Police,  
Panamadangi Police Station,  
Katpadi Sub Division,  
Vellore District.

3.The Public Prosecutor,  
High Court, Madras.

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