



HCP(MD)No.18 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P(MD)No.18 of 2024

and

Crl.M.P(MD)No.424 of 2024

D.S.Nivedha Joice ... Petitioner/ mother of the detainee

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District.

3.The Inspector of Police,
Boodhalur Police Station,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Habeas Corpus directing the respondents 1 to 3 to secure and produce the body or person of the detainee namely Minor.A.N.Jonah, D/o.Antony Arockiaraj, aged about 1 year 3 months, before this Court and entrust the detainees' custody to the petitioner.



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For Petitioner : Mr.V.Karuna

For Respondents : Mr.RMS.Sethuraman,
Addl. Public Prosecutor

For Petitioner in
Crl.M.P(MD)No. : Mr.T.K.Gopalan
424 of 2024

ORDER

(Order of the Court was made **by J.NISHA BANU, J.**)

This Habeas Corpus Petition has been filed by the petitioner seeking for a direction to the respondents 1 to 3 to secure and produce the body or person of the detenue namely Minor.A.N.Jonah, D/o.Antony Arockiaraj, aged about 1 year 3 months, before this Court and entrust the detenues' custody to the petitioner.

2. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the State, on instructions, would submit that the child is one year old and the child is under the custody of her father, who is the husband of the petitioner.

3. In view of the above, it is clear that the child is not illegally detained and she is with her father. Therefore, this Habeas Corpus Petition is not maintainable.



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4. In the result, this Habeas Corpus Petition is dismissed.

If at all the petitioner is aggrieved, she is at liberty to file a petition under the Guardian and Wards Act, 1890. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [K.K.R.K.,J.]

12.01.2024

Index :Yes/No

NCC :Yes/No

pm

To

- 1.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 2.The Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District.
- 3.The Inspector of Police,
Boodhalur Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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J.NISHA BANU, J.
AND
K.K.RAMAKRISHNAN, J.

pm

ORDER MADE IN
HCP(MD)No.18 of 2024

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