



H.C.P(MD)No.34 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P(MD)No.34 of 2024

Selvalakshmi

... Petitioner

vs.

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

2. The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.

3. Muniyasamy

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detainee namely Mathu Shalin, D/o.Selvalakshmi, aged 7 years and Mathu Nisha, D/o.Selvalakshmi, aged 4 years, before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.C.T.Perumal

For R1 & R2 : Mr.RMS.Sethuraman, Additional Public Prosecutor



WEB COPY



H.C.P(MD)No.34 of 2024

ORDER

[Order of the Court was made by **J.NISHA BANU, J.**]

This petition is filed for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detenus namely, Mathu Shalin, D/o.Selvalakshmi, aged 7 years and Mathu Nisha, D/o.Selvalakshmi, aged 4 years, before this Court and hand over their custody to the petitioner.

2. Alleging that the 3rd respondent who is the husband of the petitioner thrown out her from the matrimonial home and he did not even allow the petitioner to see her children and they are under the custody of the 3rd respondent against their will, the petitioner has filed this Habeas Corpus Petition.

3. The mother of the petitioner appeared before this Court. She would state that the petitioner eloped with someone and therefore the petitioner's children are under her custody. This Court directed the mother of the petitioner to allow the petitioner to see her children and the matter was passed over. Subsequently, when the matter was called, it was stated that the children refused to even look at their mother /



H.C.P(MD)No.34 of 2024

petitioner. Therefore, the petitioner is directed to agitate her rights before the appropriate Court under the provisions of the Guardians and Wards Act, 1890, seeking custody of her children.

4. The Habeas Corpus Petition is disposed of accordingly. No costs.

(J.N.B., J.) (K.K.R.K., J.)
10.01.2024

Index : Yes / No
Neutral Citation : Yes / No
bala

To

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

2. The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P(MD)No.34 of 2024

J.NISHA BANU, J.
and
K.K.RAMAKRISHNAN, J.

bala

ORDER MADE IN
H.C.P(MD)No.34 of 2024
DATED : 10.01.2024