



H.C.P.(MD) No.207 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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Kaliraj

... Petitioner

-VS-

1.The Commissioner of Police,
Madurai City.

2.The Deputy Commissioner of Police,
Madurai North,
Madurai City.

3.The Inspector of Police,
K.Pudur Police Station,
Madurai City.

4.Thangamani

5.Vasuki

6.Muniyandi

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the person or body of the petitioner's daughter namely Krithiksha, D/o.Kaliraj aged about 1 year 7 months from the illegal custody of the 4 to 6 respondents before this Court and handed over her custody to the petitioner.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.S.Ravi
Additional Public Prosecutor for R1 to R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Habeas Corpus Petition has been filed to direct the 1st and 2nd respondents to produce the person or body of the petitioner's daughter, namely, Krithiksha, D/o.Kaliraj aged about 1 year 7 months from the illegal custody of the 4 to 6 respondents before this Court and hand over her custody to the petitioner.

2. According to the petitioner, the detainee, who is the minor daughter of the petitioner is in the custody of the respondents 5 and 6. The petitioner's wife committed suicide in the house of the respondents 4 and 5 and a case has been registered in Crime No.324 of 2023 under Section 174(3) Cr.P.C. by the South



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Gate Police Station, Madurai City. In such circumstances, the petitioner has filed the present Habeas Corpus Petition.

3. According to the learned Additional Public Prosecutor appearing for the respondents 1 to 3, the minor child is aged 1 year and 7 months and she is staying with the grand-mother i.e., mother of the petitioner's wife.

4. Considering the submissions made on both sides, we are of the view that this Habeas Corpus Petition, seeking custody is not maintainable and it is for the petitioner to work out his remedy before appropriate forum, seeking custody of the minor child.

5. With the above observations, the Habeas Corpus Petition is closed.

[D.K.K., J.] [R.V., J.]
12.02.2024

Index : Yes / No
Internet : Yes / No
SJ



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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

SJ

To

- 1.The Commissioner of Police,
Madurai City.
- 2.The Deputy Commissioner of Police,
Madurai North,
Madurai City.
- 3.The Inspector of Police,
K.Pudur Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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