



H.C.P.(MD).No.204 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.02.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

H.C.P.(MD).No.204 of 2024

Sri Selvarani

.. Petitioner/Mother of the Detenu

Vs.

1.The Commissioner of Police,
Trichy.

2.The Inspector of Police,
All Women Police Station,
Ponmalai,
Trichy.

3.The Inspector of Police,
KK Nagar Police Station,
Trichy.

4.Karthick Bose

5.Bose

6.Kalavathi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 to 3 to secure the



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minor son namely Aaran, S/o.Karthick Bose, aged about 6 years from the illegal custody of the respondents 5 and 6 and to produce the body of the detenu or person before this Court and thereby hand over the custody to the petitioner.

For Petitioner : M/s.J.Madhu
For R-1 to R-3 : Mr.RMS.Sethuraman
Additional Public Prosecutor
For R-4 to R-6 : Mr.J.John Vincent

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The present Habeas Corpus Petition is filed by the petitioner herein seeking to produce the body or person of her son, namely, Aaran, aged about 6 years and hand over his custody to the petitioner.

2. The petitioner married the fourth respondent on 10.04.2017 at Arulmigu Sri Vekkali Amman Kovil, Woriyur, Trichy District and thereafter, the couple shifted the matrimonial home to Bangalore, where a boy child was born to them on 07.02.2018. Later, when the fourth respondent got job at Singapore, the family moved to Singapore. Misunderstanding between the couple developed, which has led them to come back to India along with



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the child only for the purpose of filing a divorce petition by the petitioner herein before the Family Court, Trichy. Now, the present Habeas Corpus Petition is filed by the petitioner, alleging that her son is in illegal custody of the father, who is arrayed as fourth respondent herein.

3. On enquiry with the learned counsel for the petitioner, she states that presently, the petitioner is in Singapore, where she is gainfully employed.

4. In such facts and circumstances, it is appropriate for the petitioner herein to approach the Family Court for guardianship of the minor child and work out her remedy in the manner known to law. A Habeas Corpus Petition is not proper and appropriate remedy for the relief sought for by the petitioner herein. Hence, the Habeas Corpus Petition is dismissed.

(G.J.,J.) (C.K.,J.)
21.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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



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