



H.C.P.(MD).No.333 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.03.2024

CORAM

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

H.C.P.(MD).No.333 of 2024

R.Gokilavani

... Petitioner/Mother of Detenue

Vs.

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

2.The Inspector of Police,
R.S. Mangalam Police Station,
R.S. Mangalam,
Ramanathapuram District.

3.Jeyalakshmi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the petitioner's elder daughter Jeeva Sri aged about 12 years, who is under the illegal custody of 3rd respondent and handover her custody to the petitioner.



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For Petitioner : Mr.A.Haja Mohideen
For R-1 & R-2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.

and

C.KUMARAPPAN,J.

The present Habeas Corpus Petition is filed seeking direction to the respondents 1 and 2 to produce the body or person of the petitioner's elder daughter, aged about 12 years, before this Court and handover her custody to the petitioner.

2. The learned Additional Public Prosecutor, who takes notice for the respondents 1 and 2, submits that the complaint regarding illegal custody of the minor daughter of the petitioner, aged about 12 years, has been probed and it is found that the minor girl is under the custody of the petitioner's husband, who is none other than the father of the girl and the third respondent is the sister of the petitioner. He further submitted that due to serious allegations of morality of the petitioner, the father has taken the



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custody of the minor girl. However, there is a counter allegation against the father that he has intimacy with the third respondent.

3. All these aspects have to be examined under due process of law and in a Habeas Corpus Petition, these sort of complaints cannot be examined and decided summarily. Hence, the Habeas Corpus Petition is dismissed. It is open to the petitioner to approach the appropriate Court in the manner known to law for custody, if she is so advised.

(G.J.,J.) (C.K.,J.)
12.03.2024

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



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To

- 1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police,
R.S. Mangalam Police Station,
R.S. Mangalam,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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