



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2024

CORAM:

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

H.C.P.(MD) No.320 of 2024

S.Vasanthi

... Petitioner/Mother of the detenu

-VS-

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

2.The Inspector of Police,
Udumalaipettai Police Station,
Udumalaipettai,
Tiruppur District.

3.The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi,
Thoothukudi District.

4.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi,
Thoothukudi District.

5.Shanmugnathan

... Respondents

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PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus directing the respondents 2 to 4 to produce the person or body of the detenu by name Minor Bhavanidhan, aged about 2 ½ years, male, as he is under the illegal custody of the fifth respondent before this Court and handover the custody to the Petitioner.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.S.Ravi,
Addl.Public Prosecutor

ORDER

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

This habeas corpus petition has been filed by the mother of the detenu seeking for a direction to the respondents 2 to 4 to produce the person or body of the detenu by name Minor Bhavanidhan, aged about 2 ½ years, male, as he is under the illegal custody of the fifth respondent, before this Court and handover the custody to the Petitioner.



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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. Due to matrimonial dispute between the Petitioner and her husband, the present Habeas Corpus Petition is filed, as if the minor child was in the illegal custody of the father, the fifth respondent herein. On a perusal of the material papers, this Court is of the view that it is not a fit case to be dealt with the same as a Habeas Corpus Petition.

4. In view of the same, the Habeas Corpus Petition stands dismissed, with cost of Rs.10,000/- payable by the Petitioner to the Legal Services Committee attached to this Bench. It is left open to the Petitioner to work out his remedy before the appropriate forum in the manner known to law, if so advised.

[G.J.,J.]

[C.K.,J.]

11.03.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

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To:

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.
- 2.The Inspector of Police,
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Udumalaipettai,
Tiruppur District.
- 3.The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi,
Thoothukudi District.
- 4.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi,
Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

vsn

ORDER MADE IN
H.C.P.(MD) No.320 of 2024

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