



H.C.P.(MD) No.501 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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Ranjith

... Petitioner

-VS-

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

2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

3.The Inspector of Police,
AWPS, Samayanallur,
Madurai District.

4.Maheswari,

5.Karuppaiah

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 & 2 to secure the detenu and produce the body or person of the detenu viz., Sharvesh, S/o.Ranjith, aged 7 years before this Court, illegally detained by the respondents 4 & 5 and handover the custody of the detenu to the petitioner forthwith.

For Petitioner	:Mr.J.Yogeswaran
For R1 to R3	:Mr.RMS.Sethuraman Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Habeas Corpus Petition has been filed by the father of the detenu seeking to produce the alleged detenu namely Sharvesh, S/o.Ranjith, aged 7 years, before this Court and hand over the custody of the detenu to the petitioner.

2. The case of the petitioner is that he got married the fourth respondent during the year 2016 as per the Hindu Rites and Customs and that they blessed with male child namely Sharvesh aged about 7 years. Subsequently, due to misunderstanding, they filed mutual consent divorce and the child was



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with the custody of the mother/fourth respondent. The further grievance of the petitioner is that the fourth respondent got married to somebody and that the child has now been handed over to the fifth respondent, who is the father of the fourth respondent and hence, the petitioner has filed the present habeas corpus petition to produce the child.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that as per the mutual understanding the custody of the child was given to the mother. If the petitioner is having any grievance, he has to approach the appropriate forum since the child is not in illegal custody of anybody.

4. In view of the above, this habeas corpus petition is closed with liberty to the petitioner to approach the appropriate forum seeking custody of the child.

[A.D.J.C., J.] [K.R.S., J.]
23.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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