



H.C.P(MD)No.595 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.05.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

H.C.P(MD)No.595 of 2024

R.Vinitha ... Petitioner/Mother of the detenu

vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.

3.A.Raman ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus directing the respondents to produce the body or person of the minor daughter/detenu R.Jeevika, daughter of R.Vinitha, aged about 1-1/2 years herein before this Court and hand over the custody.

For Petitioner : Mr.D.Vijay Emmanuel Muthiah

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor
for R.1 & R.2



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ORDER

(Order of the Court was made by R.N.MANJULA, J.)

The petitioner has filed this Habeas Corpus Petition seeking a direction to the respondents to produce the body or person of the minor daughter/detenu R.Jeevika, daughter of R.Vinitha, aged about 1-1/2 years before this Court and hand over the custody to the petitioner.

2. It is the case of the petitioner that she got married to the third respondent on 26.01.2020 and they were blessed with a girl baby namely R.Jeevika, aged 1-1/2 years. While so, a year ago, the third respondent pledged 6-1/4 sovereign of gold jewellery in Canara Bank for his needs, which was gifted by her parents. On 16.04.2024, when the petitioner urged him to return the said jewellery pledged from the Bank, he snatched her 1-1/2 year girl baby and drove away from the matrimonial home. In such circumstances, she preferred a complaint to the respondent – Police on 23.04.2024 and it has been registered in C.S.R.No.132 of 2024. The petitioner appeared before the second respondent for enquiry. On enquiry, the third respondent agreed to return her girl baby to her on 25.04.2024,



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but he has not handed over her daughter. Hence, she preferred a complaint on 27.04.2024 before the first respondent to hand over her baby to her. However, subsequently, no action has been taken by the respondents to hand over her baby. Hence, she has filed this Habeas Corpus Petition.

3. Mr.RMS.Sethuraman, learned Additional Public Prosecutor, who takes notice for the respondents 1 and 2, on instructions, would submit that there was a matrimonial dispute between the petitioner and the third respondent.

4. Since the child is in the custody of the third respondent/father and the child has been taken away due to some matrimonial dispute between the petitioner and the third respondent, the remedy open to the petitioner is to file a petition under the Guardians and Wards Act, 1980 or to file a complaint under the provisions of Domestic Violation Act, for causing emotional cruelty by depriving her from having the company of her 1-1/2 years child, who is said to be nursed by the petitioner.



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5. With the above observation, this Habeas Corpus Petition is
closed.

[R.N.M.,J.] [C.K.,J.]
22.05.2024

NCC : Yes / No
Index : Yes / No
ps

To

- 1.The Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA,J.
and
C.KUMARAPPAN,J.

ps

ORDER MADE IN
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