



H.C.P(MD)No.596 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**

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S.Murugeshwari ... Petitioner/Mother of the detenu

VS.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Azhagar Kovil Main Road,
K.Pudhur,
Madurai.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Samayanallur,
Madurai.
- 3.The Inspector of Police,
H-6-Allanganallur Police Station,
Allanganallur,
Madurai.
- 4.Kannan
- 5.Vivekraj ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus directing the respondents 1 and 3 to produce the petitioner's minor son namely Kavinraj, S/o.Raja, aged 05 years, who is

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the detenu herein before this Court and hand over him custody to the petitioner.

For Petitioner

: Mr.Niranjana S.Kumar

For Respondents

: Mr.RMS.Sethuraman
Additional Public Prosecutor
for R.1 to R.3

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 1 and 3 to produce the petitioner's minor son namely Kavinraj, S/o.Raja, aged 05 years, who is the detenu herein before this Court and hand over his custody to the petitioner.

2. It is the case of the petitioner that on 29.11.2017, the marriage was solemnized between the petitioner and the fourth respondent's son, namely Raja and out of their wedlock, they were blessed with a boy, namely Kavinraj on 05.09.2018. Unfortunately, her husband died on 25.11.2021, due to illness. In such circumstances, the marriage arrangements were made to the petitioner with the concurrence of the



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fourth respondent and his family. While so, on 31.03.2024, the fifth respondent came to her house and picked up his son to his house and stated that he would return his son, after two days. But the respondents 4 and 5 did not send her son back. Hence, she has filed this Habeas Corpus Petition.

3. Mr.RMS.Sethuraman, learned Additional Public Prosecutor, who takes notice for the respondents 1 to 3, on instructions, would submit that there was a dispute between the petitioner and the respondents 4 and 5 in respect of the custody of the minor child.

4. Since the child is said to be under the custody of the respondents 4 and 5, the remedy open to the petitioner is to file a petition under the Guardians and Wards Act, 1980.

5. With the above observation, this Habeas Corpus Petition is **disposed of.**

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

NCC : Yes / No
Index : Yes / No
ps

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- 4.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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