



H.C.P.(MD) No.631 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM:

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

H.C.P.(MD) No.631 of 2024

Pandeeswari

... Petitioner

-VS-

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

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

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

... Respondents

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 and produce the



H.C.P.(MD) No.631 of 2024

person or body of the detenues namely Minor.Sribhujithan Manikandan, S/o.Jeevanandham, aged about 5 years and Minor.Sabarinathan, S/o.Jeevanandham, aged about 3 years before this Court and entrust the detenues' custody to the petitioner.

For Petitioner	:Mr.S.Vikram
For R1 to R3	:Mr.RMS.Sethuraman Additional Public Prosecutor
Father of the Detenu	: Mr.R.Selvakumar

ORDER

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

This Habeas Corpus Petition has been filed by the petitioner seeking to produce the person or body of the detenues namely Minor.Sribhujithan Manikandan, S/o.Jeevanandham, aged about 5 years and Minor.Sabarinathan, S/o.Jeevanandham, aged about 3 years before this Court and entrust the detenues' custody to the petitioner.

2. The case of the petitioner is that she married one Jeevanandham, S/o.Gurunathan in the year 2017. Due to the wedlock, they were blessed with



H.C.P.(MD) No.631 of 2024

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two male children. After the difference of opinion, the petitioner and her husband are living separately from 24.03.2024 and the custody of the children were left with the husband, however, the husband did not allow her to see the children. Therefore, the petitioner has made a complaint before the second respondent on 25.03.2024 and another complaint before the third respondent on 03.04.2024, and after the advise of her parents she had withdrawn the complaint. Since the petitioner's husband did not allow her to see the children, she has filed the present habeas corpus petition.

3. Mr.R.Selvakumar, learned counsel appearing for Mr.Jeevanandham has submitted that the marriage between the petitioner and Jeevanandham was solemnized in the year 2017 and two children were born and subsequently, due to matrimonial dispute, the petitioner leaving her children with her husband had left the matrimonial home and thereafter, she has given a false complaint as if the said Jeevanandham has refused to permit her to see their children.



H.C.P.(MD) No.631 of 2024

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4. We find that the petitioner on account of matrimonial discord had left the home leaving behind her children with the husband, who is the natural guardian. The custody of the children is not illegal. If at all the petitioner wants to custody of her children she has to approach the appropriate forum seeking relief.

5. Accordingly, this habeas corpus petition is dismissed granting liberty to the petitioner to approach the appropriate forum seeking custody of the children.

[A.D.J.C., J.] [K.R.S., J.]
13.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
am



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



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AND
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