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H.C.P.(MD)NO.926 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.926 of 2024

Aswathy

... Petitioner/
Mother of the detenu

Vs.

1. The Superintendent of Police,
Sivagangai,
Sivagangai District.
2. The Inspector of Police,
Karaikudi North police station,
Sivagangai District.
3. Joshua John
4. Indra
5. Alex John

... Respondents

Prayer: Habeas Corpus petition is filed under Article 226 of the Constitution of India, to issue a Habeas Corpus, directing the respondents 1 and 2 to secure the petitioner's son namely Andrew John, S/o.Joshua John, aged about 3 years from the custody of the respondents 3 to 5 and hand over the custody to the petitioner.

For Petitioner : Mr.A.Balaji

For R-1 & R-2 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

For R-3 to R-5 : Mr.M.Kannan

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ORDER**(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

Heard both sides.

2. The petitioner got married to the third respondent on 11.11.2019 and through the wedlock, the detenu (Andrew John) was born on 23.02.2021. The marital relationship has come under strain. According to the third respondent, the petitioner is suffering from certain serious hormonal issues leading to aggressive behavior. The custody of the child has been however remained with the third respondent. In this background, this Habeas Corpus petition came to be filed.

3. This Bench had earlier directed the third respondent to hand over the custody of the child to the petitioner herein. Quite a few orders were passed during the earlier hearings.

4. Now the custody of the child is with the mother (the petitioner herein). It is always open to the third respondent herein to move the jurisdictional civil Court / Family Court for appropriate relief regarding the custody of the child. We do not wish to say anything further. It is



needless to observe that the petitioner will not deny the visitation rights of the third respondent. This Habeas Corpus petition is disposed of accordingly.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)

7th November 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Superintendent of Police,
Sivagangai,
Sivagangai District.
2. The Inspector of Police,
Karaikudi North police station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND

R. POORNIMA, J.

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