



H.C.P(MD)No.1094 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :18.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

H.C.P.(MD) No.1094 of 2024

V. Jeyaram

... Petitioner

Vs.

1. The Superintendent of Police
Office of the Superintendent of Police
Ramanthapuram

2. The Inspector of Police
Perunali Police Station
Ramanathapuram District

3. Anthony Petchi

4. Athi Muthu

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detainee namely Vijayapuvan, Dharmamathan and Dharmamahilan sons of Jayaraman aged about 15,11 and 11years respectively before this Court and hand over their custody to the petitioner.



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For Petitioner : Mr.P. Banuprasath
For Respondents : Mr.T.Senthil kumar
Additional Public Prosecutor

ORDER

The present Habeus Corpus Petition by the father of the three young boys aged about 15 years, 11 years and 11 years respectively. The second and third boys are twins.

2. On the previous date the respondents had stated that the young children namely Vijayapuvan, Dharmamathan and Dharmamahilan sons of Jayaraman had been secured and showed their photographs along with the third and fourth respondents. The third respondent is the maternal grand father of the two children.

3. The first boy is studying in a Government School at Trichy and showed us the certificate issued by the School Head Master that he is studying in XI standard. The second and third boys are studying in a Government School at Perunali, Kamuthi Taluk,Ramnad District. They are now in the custody of the third respondent/Maternal grand father.



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4. It is the grievance of the first boy that the mother did not die a peaceful death.

5. We will not go any further into that aspect. However it is complained that the petitioner herein is in the habit of lodging frequent complaints against the third respondent, owing to which the children are not able to study peacefully. There is also an incident narrated about the petitioner abusing the youngest child.

6. These are the facts which can be examined only by appropriate Court. The scope of Habeus Corpus Petition is to determine whether the children are in unlawful custody. They are now in custody of their maternal uncle and grand father. The petitioner will have to work out his remedy by filing necessary application and seek guardianship or permanent custody.

7. We would direct the petitioner not to lodge frequent complaint against the third respondent who is acting only in the best interest of the two children.



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8. Hence, this Habeas Corpus Petition is closed as no further orders are required to be passed.

(C.V.K., J.) (J.S.N.P, J.)
18.09.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To

1. The Superintendent of Police
Office of the Superintendent of Police
Ramanthapuram
2. The Inspector of Police
Perunali Police Station
Ramanathapuram District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.V.KARTHIKEYAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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ORDER MADE IN
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18.09.2024