



H.C.P.(MD)No.1197 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD)No.1197 of 2024

P.Aravind

... Petitioner / Father of Detenu

Vs.

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

2.The Inspector of Police,
B1 Police Station,
Theni, Theni District – 625 531.

3.The Inspector of Police,
All Women Police Station,
Theni, Theni District.

4.P.Jeyakrishna

5.G.Dinesh Kumar

6.Srinandhini

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issue of a Writ of Habeas Corpus, directing the



H.C.P.(MD)No.1197 of 2024

respondents to produce the body or person of petitioner's minor son the detainee A.Ishaan Asrith, aged 4 years, son of P.Aravind before this Court and handover the custody to him.

For Petitioner : Mr.L.Shaji Chellan

For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1 to R3.
Mr.K.Sundaravel for R6.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The petitioner and the sixth respondent got married to each other on 11.07.2018. A male child was born through the said wedlock on 06.10.2020. The petitioner has made certain serious allegations regarding the character and conduct of the sixth respondent. It is further alleged that the child was in the custody of the petitioner and that he was forcibly taken away on 30.08.2024.



H.C.P.(MD)No.1197 of 2024

3.We do not want to go into the factual aspects. Suffice it to say that the child who is four years old now is with the mother. By no stretch of imagination, can it be called as illegal custody.

4.The learned counsel appearing for the sixth respondent informs the Court that the residence address of the sixth respondent is as follows:-

“Dr.E.Sri Nandhini, 1/96, 3F, Icon Premium Apartments, Eachanari Post, Seerapalayam, Coimbatore District – 641 021.

5.It is further stated that the child is now studying in the following school:-

“GEDEE Public School, Eachanari.”

6.It is for the petitioner to move the jurisdictional Family Court / Civil Court for appropriate relief regarding the custody of the child. All the other contentions of the petitioner are left open.



H.C.P.(MD)No.1197 of 2024

7.The petitioner was directed to deposit a sum of Rs.25,000/- to the credit of this habeas corpus petition before the Registrar (Judicial), Madurai Bench of Madras High Court, Madurai. The petitioner had deposited the said sum 08.11.2024. It is open to the petitioner to apply for refund of the said amount. The Registrar (Judicial), Madurai Bench of Madras High Court, Madurai is directed to make appropriate arrangements for effecting refund of the said amount to the petitioner.

8.This habeas corpus petition is disposed of accordingly.

(G.R.S. J.) & (R.P. J.)
11.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

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

2.The Inspector of Police,
B1 Police Station,

4/6



H.C.P.(MD)No.1197 of 2024

Theni, Theni District – 625 531.

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

Copy to:

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.1197 of 2024

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

ias

H.C.P.(MD)No.1197 of 2024

11.11.2024