



**H.C.P.(MD) No.1242 of 2024**

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN  
and  
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**H.C.P.(MD) No.1242 of 2024**

R. Kalimuthu

... Petitioner

-VS-

1. The Commissioner of Police  
Commissioner Office  
Madurai.
2. The Inspector of Police  
Checkanoorani Police Station  
(Muthal Nadumuthalaikulam)  
Checkanoorani Post,  
Madurai
3. V. Balpandi
4. Revathy
5. Maha

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents 1 and 2 to produce the person of



**H.C.P.(MD) No.1242 of 2024**

WEB COPY

body of the detenue by name Keeshika, D/o. R.Kalimuthu aged 6 years before this Court and hand over her custody to the petitioner.

For Petitioner : M/s.J.Vasanthi

For R1 and R2 : Mr.T.Senthilkumar  
Additional Public Prosecutor

For R3 and R4 : Mrs. Jeese Jeeva Priya

### **ORDER**

The Habeus Corpus Petition has been filed to direct the respondents 1 and 2 to produce the person of body of the detenue by name Keeshika, D/o. R.Kalimuthu aged 6 years before this Court and hand over her custody to the petitioner.

2. The grievance of the petitioner is that he had married the fourth respondent and he later came to know when the fifth respondent, mother of the fourth respondent met his mother (“petitioner's mother”) in the market that a child had been born to the fourth respondent. The petitioner is of the opinion that the child is his child. But in the interregnum period, after obtaining divorce with the fourth respondent the petitioner had remarried. Similarly the fourth respondent had also remarried the third respondent and they are blessed with another child.



**H.C.P.(MD) No.1242 of 2024**

WEB COPY

3. On 04.10.2024, we had noted as follows:

*“Mr.T.Senthil Kumar, learned Additional Public Prosecutor takes notice on behalf of the respondents.*

*2. The learned counsel for the petitioner is not present. The petitioner is also not present. They were absent both at the time of initial calling and again when the matter was taken up at 1.15 p.m.*

*3. The respondents 3 and 4 are present with their two children. They are living as a happy family. Interference is not warranted. The fifth respondent is the mother of the fourth respondent. She is an unnecessary party to the entire proceedings.*

*4. We are of the opinion that the respondents 3 and 4 with their children may continue to live peacefully wherever they are living. . Since the learned counsel for the petitioner is absent, list the matter once again under the caption “for dismissal” on 24.10.2024.*

4. Today the matter is listed under the caption 'For dismissal'..



**H.C.P.(MD) No.1242 of 2024**

WEB COPY

5. The learned counsel for the petitioner is present. The learned counsel appearing for the petitioner made a fervent plea that the petitioner may be permitted to atleast see the child.

6. we cannot put the two children to difficulty by calling over to Court again and again. The petitioner can very well take recourse to the provisions of Guardian and Wards Act and seek custody and to appoint him as a guardian. This petition filed seeking to produce the fourth respondent and the child would not lie since the fourth respondent is in the lawful custody of the third respondent along with her two children and the children are in the lawful custody of the fourth respondent.

7. In view of the same, the Habeus Corpus Petition stands dismissed.

**[C.V.K., J.]      [R.P., J.]**  
**24.10.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
aav



**H.C.P.(MD) No.1242 of 2024**

WEB COPY

To:

1. The Commissioner of Police  
Commissioner Office  
Madurai.
2. The Inspector of Police  
Checkanoorani Police Station  
(Muthal Nadumuthalaikulam)  
Checkanoorani Post,  
Madurai
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



***H.C.P.(MD) No.1242 of 2024***

**C.V. KARTHIKEYAN, J.**  
**AND**  
**R.POORNIMA, J.**

aav

**H.C.P.(MD) No.1242 of 2024**

**24.10.2024**