



H.C.P.(MD)No.1243 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM

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

H.C.P.(MD)No.1243 of 2024

N.Pothiraj

... Petitioner / Detenue Father

Vs.

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

2.The Inspector of Police,
Thenkarai Police Station,
Theni District.

3.B.Gangadevi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 & 2 to secure the person or body of the petitioner's minor son Sanjay S/o.Pothiraj, 4 years old boy from the illegal detention by the child traffickers in somewhere else, produce him before this Court and hand over custody of him to the petitioner.



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For Petitioner : Mr.R.Murugappan

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1 & R2

ORDER

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

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for R1 & R2.

2. The petitioner is the father of the minor children who are in the custody of the third respondent. The third respondent is none other than the petitioner's wife. We referred the matter to the mediation. But the efforts could not bare fruit. The custody of the children with her mother cannot be characterised as illegal detention. The petitioner will have to move the jurisdictional civil Court / family Court for getting custody of the children.



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3. With the aforesaid liberty to the petitioner, the Habeas Corpus

Petition is disposed of.

(G.R.S. J.,) & (R.P. J.,)
26.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To:-

- 1.The Superintendent of Police,
Theni,
Theni District.
- 2.The Inspector of Police,
Thenkarai Police Station,
Theni 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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