



**H.C.P(MD)No.1368 of 2024**

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

**DATED : 06.11.2024**

**CORAM:**

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

**H.C.P.(MD) No.1368 of 2024**

**Firthous Afrin**

**... Petitioner / Mother of the Detenue**

**Vs.**

**1.The Superintendent of Police,  
Ramanathapuram District.**

**2.The Inspector of Police,  
All Women Police Station,  
Thiruvadanai,  
Ramanathapuram District.**

**3.Mohamed Yasar**

**4.Hibathulla  
The President,  
Therku Theru Jamath,  
Thondi,  
Ramanathapuram District.**

**5.Ayub Khan  
Office Bearer  
Theruku Theru Jamath,  
Thondi,  
Ramanthapuram District.**



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6.Kajah  
Office Bearer,  
Therku Theru Jamath,  
Thondi,  
Ramanathapuram District.

... 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 produce a person or body of the petitioner's children namely the detinue by name Alaquib S/o.Mohamed Yasar (Minor Male Child aged 6 years) and Amal D/o.Mohamed Yasar (Female Child aged 3 years) before this Court and hand over their custody of the petitioner.

For Petitioner : Mr.R.Anand

For Respondents : Mr.E.Antony Sahaya Prabahar  
Additional Public Prosecutor  
for R1&R2  
: Mr.M.Mohamed Nihal  
for M/s.Ajmal Associates  
for R3

### **ORDER**

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for R1 & R2 and the learned counsel for R3.



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2. The third respondent is none other than the husband of the petitioner. This Habeas Corpus Petition has been filed seeking custody of the minor children who are with the third respondent.

3. We are clearly of the view that this issue regarding custody will have to be resolved only before the jurisdictional civil Court / Family Court. This petition is not maintainable. This Habeas Corpus Petition is dismissed.

**(G.R.S., J.) (R.P., J.)**  
**06.11.2024**

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

1. The Superintendent of Police,  
Ramanathapuram District.
2. The Inspector of Police,  
All Women Police Station,  
Thiruvadanai,  
Ramanathapuram District.
3. The Additional Public Prosecutor,



**H.C.P(MD)No.1368 of 2024**

Madurai Bench of Madras High Court,  
Madurai.

**G.R.SWAMINATHAN, J.**  
**AND**  
**R.POORNIMA, J.**

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ORDER MADE IN  
H.C.P.(MD) No.1368 of 2024

06.11.2024