



H.C.P.(MD)No.1498 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2024

CORAM

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

H.C.P.(MD)No.1498 of 2024

K.Nainar

... Petitioner

Vs.

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

2.The Inspector of Police,
All Woman Police Station,
Krishnapuram,
Tirunelveli.

3.L.Nattar

4.Nattarammal

... 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 the body or person of the petitioner minor children namely 1.N.Kombandharsan S/o.Nainar age about 5 years and



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2.N.Abilash Nambi S/o.K.Nailnar age about 3 years before this Court and hand over custody of the petitioner.

For Petitioner : Mr.C.S.Lenin

For Respondents : Mr.T.Senthil Kumar
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 the respondents 1 & 2.

2. The petitioner's first wife committed suicide on 07.05.2024. The petitioner has remarried on 08.09.2024. The petitioner's mother-in-law has given a complaint against the petitioner alleging that her daughter committed suicide on account of cruelty meted out by the petitioner herein. Crime No.124 of 2024 has been registered under Section 174 of Cr.P.C. The case is still under investigation.

3. The petitioner's counsel would claim that the petitioner was given clean chit. We do not want to enter into these factual aspects. At



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present, the petitioner's minor children born through the first wife are with the respondents 3 & 4 who are none other than the maternal grandparents. It is for the petitioner to work out the custodial rights as regards the children before the jurisdictional Family Court / Civil Court. The custody of the maternal grandparents cannot be said to be illegal. Granting liberty to the petitioner to work out his rights in the manner known to law, the Habeas Corpus Petition is dismissed.

(G.R.S. J.,) & (R.P. J.,)
06.12.2024

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

To:-

- 1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 2.The Inspector of Police,
All Woman Police Station,
Krishnapuram,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and
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