



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

**DATED: 05.12.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MS.JUSTICE R. POORNIMA**

**H.C.P.(MD)No.1495 of 2024**

B.Raja Bharathi

... Petitioner / Mother of the detenu

Vs.

1. The Commissioner of Police,  
O/o.Commissioner of Police,  
Alagar Kovil Road,  
Madurai.

2. The Deputy Commissioner of Police,  
O/o.Deputy Commissioner of Police,  
Madurai.

3. The Inspector of Police,  
All Women police station,  
Thallakulam, Madurai.

4. S.Gopinath

5. S.Vasantha Kumar

... Respondents

**Prayer:** Habeas Corpus petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents 2 and 3 to produce the petitioner's minor children namely Anbuselvan, S/o.Gopinath, aged about 13 years and Rakshita, D/o.Gopinath, aged about 10 years who are illegally detained by the respondents 4 and 5 herein and produce before this Court and hand over their custody to the petitioner.



For Petitioner : Mr.D.Shanmugaraja Sethupathi  
For Respondents : Mr.T.Senthil Kumar,  
Additional Public Prosecutor.

\* \* \*

### **ORDER**

**(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

2. The petitioner is the mother of the minor detenus who are aged about 13 and 10 years respectively. The petitioner has made very serious allegations against the fourth respondent who is her husband. That may furnish cause of action for the third respondent to register a case against the husband for domestic violence under the relevant provisions of BNS.

3. We cannot characterise the custody of the fourth respondent over the children as illegal. The petitioner will have to necessarily move the jurisdictional Family Court. We grant this liberty to do so. Obvious, if any GWOP is filed, it shall be numbered immediately provided the



papers are in order. The learned Family Judge will also dispose of I.A for interim custody on merits and in accordance with law within a period of ten weeks, thereafter.

4. With this liberty to the petitioner, this Habeas Corpus petition is disposed of.

**(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)**  
**5<sup>th</sup> December 2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
PMU

**To:**

1. The Commissioner of Police,  
O/o.Commissioner of Police,  
Alagar Kovil Road, Madurai.
2. The Deputy Commissioner of Police,  
O/o.Deputy Commissioner of Police, Madurai.
3. The Inspector of Police,  
All Women police station, Thallakulam, Madurai.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**AND**

**R. POORNIMA, J.**

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