



H.C.P.No.337 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

H.C.P.No.337 of 2025

Sowmiya

... Petitioner

Vs.

1.The Superintendent of Police,
District Police Office,
Salem District.

2.The Inspector of Police,
Town Police Station, Attur,
Salem District.

3.Rajiv

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 2nd respondent to produce the body or person of the petitioner's son namely Heerendrayugan (minor), S/o.Rajiv, aged about 3 years, before this Court, who is now under the custody of the 3rd respondent and handover the petitioner's son namely Heerendrayugan (minor) to the petitioner.



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For Petitioner : Mr.A.Arunkumar
For R1 and R2 : Mr.R.Muniyapparaj,
Additional Public Prosecutor
assisted by Mr.M.Sylvester John
For R3 : Mr.C.Deepak Kumar

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

Claiming that the third respondent/husband of the petitioner is having illegal custody of the petitioner's 3 years old son, the present Habeas Corpus Petition has been filed.

2. The learned Additional Public Prosecutor had placed reliance on the status report filed by the first respondent/Superintendent of Police, Salem District dated 27.03.2025 and submitted that the criminal case in Crime No.44 of 2025 has been registered against the petitioner for the offence under Section 118(1) r/w. 49 of BNS and Sections 75 & 87 of the Juvenile Justice Act, 2015 on 03.02.2025, on the allegations that she had caused searing wounds on the body of the child with a hot iron rod.



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3. Since the allegations against the petitioner are serious in nature and the safety of the child is also questionable if the custody is handed over to the petitioner, we are not inclined to entertain the prayer sought for in the present petition.

4. Accordingly, the Habeas Corpus Petition stands dismissed. No costs.

[M.S.R, J.]

[N.S, J.]

28.03.2025

Index: Yes/No

Speaking order/Non-speaking order

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To

1.The Superintendent of Police,
District Police Office, Salem District.

2.The Inspector of Police,
Town Police Station, Attur, Salem District.

3.The Public Prosecutor,
High Court, Madras.



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