



H.C.P.(MD)No.55 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.01.2025

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

H.C.P.(MD)No.55 of 2025

A.Karthikeyan

... Petitioner / Father of Detenu

Vs.

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

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

3.E.Vaitheeswari

4.M.Kannan

... 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 and 2 herein to produce the body or person of petitioner's
minor son Maha Auruthran, S/o.A.Karthikeyan, aged 2 years, from the



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illegal custody of the 3rd respondent herein, before this Court and hand over the son Maha Auruthran aged 2 years, to the custody of the petitioner for continuous medical treatment in the interest of minor child.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R1 & R2.

ORDER

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

Heard both sides.

2.The petitioner got married to the third respondent. A child by name Maha Aurutharan was born through the wedlock. The third respondent is said to have left the marital home a few months back. The petitioner has made certain allegations against the third respondent. He has gone to the extent of accusing the third respondent that she has eloped with the fourth respondent. The third respondent however denies the said allegation. The third respondent claims that she is with her parents. The third respondent's father is also present before us. He states that he will not have any objection for the petitioner to come to see the



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child. The child is aged about two years. It may not be appropriate to separate the child from the mother. It is for this reason, we decline to grant relief as sought for. The petitioner may have to work out his rights elsewhere.

3.This habeas corpus petition is disposed of accordingly.

(G.R.S. J.) & (R.P. J.)
20.01.2025

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

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



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