



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

DATED : 25.02.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

H.C.P(MD)No.53 of 2025

Amsaveni

... Petitioner/Mother of the detenue

.Vs.

1.The State of Tamil Nadu, represented by its
The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The State, represented by its,
The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
(FRI in Crime No.25 of 2024).

3.M.Balasubramanian

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to direct the respondents 1 and 2 to produce toe Body or Corpus of the Petitioner's daughter Detenue viz., Manasha(Eight



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month), D/o. Amsaveni, before this Court and hand-over the custody to the Petitioner.

For Petitioner : Mr. P. M. Vishnuvarthanan

For Respondents : Mr. E. Antony Sahaya Prabahar
1 and 2 Addl. Public Prosecutor

ORDER

DR. G. JAYACHANDRAN., J
AND
R. POORNIMA., J

This Habeas Corpus Petition is filed by the mother seeking custody of 8 months baby Manasha, who is admittedly under the care and custody of the third respondent.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. According to the Petitioner, after break down of her marriage, she has been in relationship with the third respondent and a baby was born through that relationship. Now she has been deprived of the custody of the child and third



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respondent has illegally keeping the custody of the minor child since 11.05.2024. Stating that the third respondent is a politically influenced person and illegally holding the custody of the minor daughter, the present Habeas Corpus Petition is filed.

4, The third respondent states that the child was born to the third respondent. The Petitioner who has given birth of two children earlier, has not properly taken care of them and for the security of the child, he is retaining the child.

5. This Court, on perusing the records, is of the view that the dispute is between the natural parents to have the custody of the child. The appropriate forum to decide the subject-matter will be the Court which is having the jurisdiction to consider the custody and guardianship of the child. Habeas Corpus Petition is meant only for illegal detention and unauthorized custody. This case does not fall within the scope of Habeas Corpus petition.

6. Hence, the Habeas Corpus Petition is closed, without prejudice to the



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rights of the Petitioner to approach the appropriate forum for necessary relief.

[G.J.,J.] [R.P.,J.]
18.02.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

- 1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
(FRI in Crime No.25 of 2024).

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

JUDGMENT MADE IN
H.C.P(MD)No.53 of 2025

25.02.2025