



H.C.P.(MD)No.124 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.01.2025

CORAM

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

H.C.P.(MD)No.124 of 2025

Mupidathi

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi District.

2.The Inspector of Police,
Oothumalai Police Station,
Tenkasi District.

3. Thangavel

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing 1st and 2nd respondents to produce the person or body of the detainee namely Sakthivel, S/o.Thangavel aged 4 years before this Court and hand over the custody of him to the petitioner.



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For Petitioner : Mr.S.Kumar

For Respondents : Mr.T.Senthilkumar,
Addl. 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 and 2.

2.The petitioner is the wife of the third respondent. She has filed this habeas corpus petition seeking custody of the minor child / Sakthivel aged about four years. The learned counsel for the petitioner states that the child was forcibly taken away from the petitioner.

3.We are prima facie of the view that invocation of the habeas corpus jurisdiction is not warranted. The petitioner is permitted to move the jurisdictional Civil Court / Family Court. If any guardianship petition is filed, it shall be numbered immediately without any delay. If any application for interim custody is filed by the petitioner, it shall be



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disposed of on merits and in accordance with law within a period of six weeks thereafter.

4.This habeas corpus petition is disposed of accordingly.

(G.R.S. J.) & (R.P. J.)
29.01.2025

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

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



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