



H.C.P.(MD) No.233 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

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Rajeswaran

... Petitioner/
Father of the Detenu

-Vs-

1.The Superintendent of Police,
O/o.the Superintendent of Police,
Palani.

2.The Inspector of Police,
Neikarapatti Police Station,
Palani Taluk.

3.Thozhan

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the person or body of the detenu namely minor Vijayakalpana, daughter of Rajeswaran, aged about 6 years before this Court and hand over her custody to the petitioner.

For Petitioner	: Mr.S.Pugalendhi
For R1 & R2	: Mr.E.Antony Sahaya prabakar Additional Government Pleader



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ORDER

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DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

The petitioner herein is the father of the minor child aged about 6 years alleging that the third respondent is the maternal grandfather of the minor child having illegal custody of the child, the present Habeas Corpus Petition is filed.

2.However, the fact indicates that the petitioner and his wife where in loggerhead and his wife along with the minor child had gone to her father's house at Kerala and living separately.

3.On 23.01.2025 his wife Panjami died in the accident. Though it was reported to the petitioner, he did not attend the funeral. However, now he is before this Court seeking production of the minor child.

4.This Court is satisfied that the child is with the third respondent, who is none other than the maternal grandfather and the child had been under the custody of the third respondent even before the death of the mother of the child. If



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the petitioner under custody for the child, he has to work out his remedy before the appropriate forum. The minor child is not in the illegal custody.

5.In view of the above, the Habeas Corpus Petition stands dismissed.

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

19.02.2025

NCC : Yes / No

Index : Yes / No

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To

- 1.The Superintendent of Police,
O/o.the Superintendent of Police,
Palani.
- 2.The Inspector of Police,
Neikarapatti Police Station,
Palani Taluk.
- 3.*The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.*



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