



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

DATED :13.03.2025

CORAM:

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

H.C.P(MD)No.320 of 2025

Dr.R.Divya

... Petitioner/Mother of the Detenue

.Vs.

1.The State of Tamil Nadu, represented by
The Commissioner of Polie,
Office of Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Y.Othakadai Police Station,
Maduai City.

3.Goutham

4.Thambithurai

5.Mahalakshmi

6.Sudharsana

... Respondents



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PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to direct the second respondent to produce the person or body of the detainee/the Petitioner's baby namely Alice Kriya, daughter of Gowtham, aged about 9 months before this Court and hand over the custody to the Petitioner.

For Petitioner	: Mr.R.Anand for Mr.S.Madhankumar
For Respondents 1 and 2	: Mr.E.Antony Sahaya Prabahar Addl.Public Prosecutor
For Respondents 3 to 6	:Mr.K.Satheesh Kumar for M/s.M.Subash Law Office

ORDER

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

The Habeas Corpus Petition is filed seeking a direction to the second respondent to produce the person or body of the detainee/the Petitioner's baby namely, Alice Kriya, daughter of Gowtham, aged about 9 months before this Court and hand over the custody to the Petitioner.



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

3. The Petition is filed by the mother alleging that the third respondent had taken away the infant daughter, aged 9 months. It appears that there is a marriage dispute between the Petitioner and third respondent, who are none other than the father and mother of the infant girl child. The dispute in question has to be decided and gone into in detail in the manner known to law. The disputed facts cannot be decided in a Habeas Corpus Petition filed under Article 226 of the Constitution of India.

4. This Court is satisfied that the third respondent appeared through counsel and he submits that the child is well taken care of by the father, the third respondent herein and the conduct of the Petitioner/mother has to be blamed. These are all facts which are disputed and to be decided in the manner known to law.

5. In view of the above, the parties are directed to work out their remedy



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before the competent Court which deals with the custody of the child and jurisdiction of Habeas Corpus Petition cannot be invoked in such matters.

Accordingly, the Habeas Corpus Petition stands dismissed.

[G.J.,J.] [R.P.,J.]
13.03.2025

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

vsn

To

- 1.The Commissioner of Polie,
Office of Commissioner of Police,
Madurai City.
- 2.The Inspector of Police,
Y.Othakadai Police Station,
Maduai City.

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

ORDER MADE IN
H.C.P(MD)No.320 of 2025

13.03.2025