

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Wednesday, the Twenty Eighth day of September Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU
AND
The Hon`ble Mr.Justice N.ANAND VENKATESH

HCP(MD) . No.1607 of 2022

B.Senkathir Selvan

... Petitioner/Father of the Detenue

Vs

1 The Superintendent of Police,
Sivagangai District,
Sivagangai.

2 The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.

3 K.Murugeswari

... Respondents

Prayer :-

Petition is filed under Article 226 of the constitution of India to issue a writ of Habeas Corpus or any other appropriate writ directing Respondents 1 and 2 herein to secure the petitioner's minor daughter namely Magadheera aged 1 and 6 months old from the illegal custody of the 3rd Respondent and produce the child before this Court and handover her to the Petitioner's custody who is the natural guardian of the minor child.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S.Bharathy Kannan, Advocate for the Petitioner and of Mr. A.Thiruvadikumar, Additional Public Prosecutor for the Respondents No. 1 and 2, this Court made the following order:



(Order of the Court was made by N.ANAND VENKATESH, J

The father has filed this petition to secure the custody of his minor daughter, aged about one year and six months, who is said to be in the illegal custody of the third respondent.

WEB COPY

2.The learned Additional Public Prosecutor, on instructions, submitted that the wife of the petitioner died in the year 2020 and an FIR was registered in Crime No.57/2020 against the petitioner for an offence under Section 306 IPC. The learned Additional Public Prosecutor further submitted that the third respondent is the mother-in-law of the petitioner and the child is in the custody of the mother-in-law.

3.In the considered view of this Court, the petitioner is the natural guardian of the child and he cannot be deprived of seeing the child. However, in order to ascertain the real facts on the ground, we request Mr.K.Samidurai, to speak with the concerned parties and file a report before this Court. Based on the report, this Court will proceed further. Post this petition on 12.10.2022.

Sd/-

Assistant Registrar (CO)

// True Copy //

/10/2022

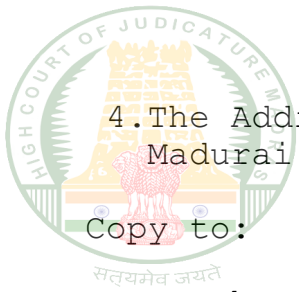
Sub Assistant Registrar(CS)

TO

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
3. Mr.K.Samidurai, Advocate,
73, Law Chambers,
Madurai Bench of Madras High Court,
Madurai. Cell No.9894023236

Residing Address:

60, Bharathi Ula Street, Race course,
Madurai-2



HCP(MD).



22

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

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

ORDER DATED : 28/09/2022

NEXT HEARING DATE : 12/10/2022

=====

ORDER

=====

HCP(MD) . No.1607 of 2022

Giving direction and etc.
as stated within.

RD(07/10/2022) 3P 7C