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H.C.P.(MD)NO.1253 OF 2024

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

**DATED: 11.11.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MS.JUSTICE R. POORNIMA**

**H.C.P.(MD)No.1253 of 2024**

Aarthi

... Petitioner /  
Mother of detenu

Vs.

1. The Commissioner of Police,  
Trichy City,  
Trichy.

2. The Inspector of Police,  
Gandhi Market police station,  
Trichy City.

3. G.Venkatesh

... Respondents

**Prayer:** Habeas Corpus petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the second respondent herein to hand over the custody of the detenu male infant namely Vishnu Vardhan, S/o.Venkatesh (aged 10 months) before this Court.

For Petitioner : Mr.A.Xavier Antony Samy

For Respondents : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor.

\* \* \*



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**ORDER****(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

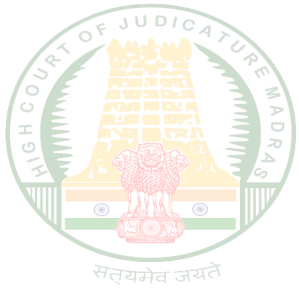
Heard both sides.

2. The petitioner is the mother of the detenu. The child is present with the father (third respondent herein). Serious allegations have been made by the third respondent against the petitioner as regards her mental condition.

3. We consciously refrain from going into the same. Taking note of the fact that the petitioner is the mother, we directed the third respondent to file an affidavit expressing no objection for visitation rights. Accordingly, the third respondent has filed an affidavit. Paragraph Nos.3 and 4 of the said affidavit are as follows:-

“3 I humbly submit that I have no objection for the petitioner / mother to visit the child in our care and custody as and when she needs and requests thereby.

4. I humbly submit that I and my parents are not averse to the mother of the infant to visit the child.”



4. It is open to the petitioner to move the jurisdictional civil Court for custodial rights. We make it clear that the outcome of this HCP will not have any bearing on G.W.O.P. that may be filed by the petitioner. It is seen that the third respondent has already filed G.W.O.P.No.356 of 2024 on the file of the Family Court, Tiruchirappalli. In this GWOP itself, the rights of the parties including custody can be decided. We direct the learned Family Court Judge, Tiruchirappalli to dispose of G.W.O.P.No. 356 of 2024 on merits and in accordance with law within a period of three months from the next hearing date. This Habeas Corpus petition is disposed of. No costs.

**(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)**  
**11<sup>th</sup> November 2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
PMU

**To:**

1. The Commissioner of Police,  
Trichy City, Trichy.
2. The Inspector of Police,  
Gandhi Market police station, Trichy City.
3. The Additional Public Prosecutor,



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H.C.P.(MD)NO.1253 OF 2024



Madurai Bench of Madras High Court,  
Madurai.

**G.R.SWAMINATHAN, J.**

**AND**

**R. POORNIMA, J.**

PMU

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**11.11.2024**