



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE DR.JUSTICE S.VIMALA

Habeas Corpus Petition (MD).No.562 of 2016

V.Nithya

..Petitioner

vs.

1.The Superintendent of Police,
Thanjavur District, Thanjavur.

2.The Inspector of Police,
All Woman Police Station,
Pattukkottai, Thanjavur District.

3.Vijayakumar.

4.The Inspector of Police,
Athirampattinam,
Pattukottai Taluk,
Thanjavur District.

..Respondents

(R4 suo motu impleaded as per order dated 02.06.2016)

Habeas Corpus Petition is 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 Vishwa aged 1 ½ years son of Nithiya before this Court and handover the custody to the petitioner at liberty.

For petitioner : Mr.S.Deenadhayalan

For respondents : Mr.C.Mayilvahana Rajendran for
R1, R2 and R4

Additional Public Prosecutor for
Mrs.Rajaprabha for R3

ORDER

(Order of the Court was made by K.K.SASIDHARAN, J)

The petitioner and the third respondent appeared before us. The third respondent also produced the child by name Vishwa before us.

2. The fourth respondent, who is present in Court, submitted that the child was produced by the petitioner, before the Athirampattinam Police Station, and it was handed over to her father, who in turn, handed over the child to the third respondent.



3. We have heard the learned counsel for the petitioner and the learned counsel for the third respondent. We have also heard the learned Additional Public Prosecutor on behalf of the respondents 1, 2 and 4.

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4. The child is aged about 3 years. It would be not proper to entrust the custody of the child with the third respondent, given the age and condition of the child. We are therefore of the view that the child should be entrusted to the custody of the petitioner, who is the biological mother.

5. The child by name Vishwa aged about 3 years is handed over to the petitioner in open Court. This arrangement is made taking into account the age of the child. It is open to the parties to approach the concerned Family Court for appropriate relief regarding the custody of the child.

6. We also make it clear that this order would not stand in the way of deciding the application for custody, by the concerned Court, in accordance with law.

7. The third respondent is given visitation right and he is permitted to visit the child at 10.00 a.m. on every Sunday at the residence of the petitioner. This arrangement is also tentative subject to the orders to be passed by the concerned Family Court, as indicated above.

This Habeas Corpus Petition is disposed of with the above observation.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police, Thanjavur District, Thanjavur.

2.The Inspector of Police, All Woman Police Station,
Pattukkottai, Thanjavur District.

3.The Inspector of Police, Athirampattinam, Pattukottai Taluk,
Thanjavur District.

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

+1cc to M/s.S.Deenadhayalan, Advocate in SR.28210