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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2016

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN**

**and**

**THE HONOURABLE MR.JUSTICE B.GOKULDAS**

**H.C.P (MD) No.589 of 2016**

S.Sangeetha : Petitioner  
Vs.

1.The Superintendent of Police,  
O/o. The Superintendent of Police,  
Dindigul District,Dindigul.

2.The Sub-Inspector of Police,  
Idayakottai Police Station,  
Dindigul District.

3.Ramasamy

4.Kumar

5.Sathasivam

6.Karthick : Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the petitioner's minor son, namely Sudharshan, aged about 3 1/2 years before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.Jana Alias B.Janath Ahmed

For Respondents 1&2 : Mr.C.Mayil Vahana Rajendran,  
Additional Public Prosecutor

For Respondent No.5 : M/s.V.Jeyasri

#### **ORDER**

**[Order of the Court was made by K.K.SASIDHARAN, J.]**

This Habeas Corpus Petition is filed to produce the minor son of the petitioner, by name Sudharshan before this Court and hand over the custody to the petitioner.

2. The petitioner married the fifth respondent and in the said wedlock, a son, by name Sudharshan was born. The child is aged about 3-1/2 years now. It is the case of the petitioner that the fifth respondent took away the child and is wrongfully



confined him at Chittoor.

3. The fifth respondent produced the child before us on 13.06.2016. The following order was passed with regard to the temporary custody of the child:

**"The fifth respondent produced the child before us. According to the fifth respondent, he enrolled the child in a Nursery School at Chittoor. The child is being taken care of by a person to whom the fifth respondent has been paying remuneration.**

**2. We have also examined the petitioner. The child completed only three years old.**

**3. Since the child is a minor, we entrusted the custody with the petitioner for the time being. The fifth respondent is given visitation right on every Sunday tentatively. The petitioner is directed to hand over the child to the fifth respondent on every Sunday at 10.00 a.m., in case the petitioner visits the house to take the child. The child should be returned to the petitioner at 05.00 p.m., on the same day. The petitioner and fifth respondent should adhere to this direction strictly.**

**4. Post the Habeas Corpus Petition on 11 July, 2016."**

4. When the Habeas Corpus Petition was taken up for consideration today, the petitioner produced the child before us. The fifth respondent submitted that he would educate the child, in case custody is given to him.

5. The relief claimed by the fifth respondent cannot be given in this proceedings. The petitioner is the biological mother of the child. The child is only 3-1/2 years old. It would not be possible to give the custody of the child to the fifth respondent, who is presently residing in Andhra Pradesh.

6. The child is handed over to the custody of the petitioner. However, we make it clear that this order would not stand in the way of the parties from approaching the concerned Court for custody of the child.

7. The Habeas Corpus Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(W)

/True Copy/



1.The Superintendent of Police,  
O/o. The Superintendent of Police,  
Dindigul District,  
Dindigul.

2.The Sub-Inspector of Police,  
Idayakottai Police Station,  
Dindigul District.

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

+1cc to Mr.V.JAYASHREE,Advocate Sr.No.35521  
sml/nb  
AA/KBM/26.07.2016/3p-5c

Order made in  
**H.C.P(MD)No.589 of 2016**  
Dated: **11.07.2016**