



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2016**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P(MD)No.912 of 2016

M.Visaha Priya

.. Petitioner

Vs.

1.The Commissioner of Police,
Madurai.

2.The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai District.

3.Jeganathan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the petitioner's minor daughters Tanishka, daughter of J.Subramanian, aged about 5 years and Bavishya, daughter of J.Subramaniyan, aged about 1^{1/2} years, before this Court and to hand over the custody of the petitioner's minor daughters to the petitioner.

For petitioner	: Mr.V.A.Dhana Aravindha Balaji
For respondents 1&2	: Mr.C.Mayil Vahana Rajendran Additional Public Prosecutor
For Respondent No.3	: Ms.S.M.Manomani

O R D E R

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

This Habeas Corpus Petition is filed by the mother of two female children, by name, Tanishka, aged about 5 years and Bavishya, aged about 1^{1/2} years, complaining that they are under the illegal custody of the third respondent.

2. When the Habeas Corpus Petition was taken up for consideration, the learned Additional Public Prosecutor submitted that the Inspector of Police, All Women Police Station, Madurai Town, secured the children and they are being produced in Court.

3. The children, by name, Tanishka and Bavishya were, thereafter, produced by the Inspector of Police.

<https://hcservices.ecourts.gov.in/hcservices/>

4. We have examined the petitioner. The husband of the



petitioner admitted that the children are now with him. The minor child, by name, Bavishya, was in the hands of the third respondent, when she was produced in Court. She was crying all along inside the Court Hall. When the minor child - Bavishya was handed over to the petitioner, she readily agreed to go with her and stop crying. We have also examined the minor by name, Tanishka. She wanted to go with the petitioner.

5. We have also examined the husband of the petitioner, by name, J.Subramanian. According to him, the police tried to arrive at a settlement among the parties. However, the petitioner was not prepared to come and live with him.

6. The factual matrix indicates that the minor children were taken involuntarily by the husband of the petitioner.

7. The minor children expressed their desire to stay with the petitioner. The petitioner is given custody of the minors, by name, Tanishka and Bavishya. It is open to the husband of the petitioner to approach the concerned Court for custody, if he is so advised. However, we make it clear that neither the third respondent nor the husband of the petitioner shall take the custody of the minors forcibly. In case any such incident is reported, appropriate action shall be taken by the police against the concerned. We also make it clear that this order would not stand in the way of the concerned parties from approaching the appropriate Court for relief, if they are so advised.

8. The Habeas Corpus Petition is closed with the above observation.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

- 1.The Commissioner of Police, Madurai.
- 2.The Inspector of Police, All Women Police Station,
Madurai Town, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 cc to M/S.S.M.Manonmani, Advocate in SR.No.37882
- +1 cc to M/S.Dhana Law Associates, Advocate in SR.No.37618
- nb
- CSL/PEK/29.07.2016 :2P/6C

ORDER MADE IN
H.C.P(MD)No.912 of 2016
19.07.2016