

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE DR.JUSTICE ANITA SUMANTH

H.C.P.No.117 of 2017

A. Prema ... Petitioner

Vs

1. The State of Tamil Nadu
Represented by
The Superintendent of police,
Thiruvavarur District.
2. The Deputy Superintendent of Police,
Thiruthuraipoondi, Thiruvavarur District.
3. The Inspector of Police,
Thiruthuraipoondi Town Police Station,
Thiruthuraipoondi, Thiruvavarur District.
4. Mr. Azhagar, S/o. Sivanesan,
Thoppatti Street, Thiruthuraipoondi,
Thiruvavarur District. 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 3 to produce the petitioner's daughters SriNithya (15) and Abirami (13) from the illegal custody of the 4th respondent before this court and handover the custody of the petitioner forthwith.

For Petitioner : Mr.S. Rajanikanth
For R.1 to R.3 : Mr.V.M.R.Rajentren,
Additional Public Prosecutor
For R.4 : Notice to be served

ORDER

[Order of the Court was made by S.NAGAMUTHU.J]

The Petitioner is the wife of the 4th respondent. They got two children viz., SriNithya (15 years) and Abirami (13 years). According to the petitioner, the children were under the threat and coercion by the 4th respondent and he is keeping these two children with him in illegal custody.

2. Today, when the matter was taken up, Miss. SriNithya and Miss. Abirami were produced by the 3rd respondent before this court. SriNithya told us that she is all along only with her father i.e., the fourth respondent herein and with other family members. She further told us that she is studying 11th standard at Trichirapalli, and she goes to school daily from her father's house. Miss. Abirami told us that she has completed IX Standard and promoted to X Standard in the same School. She also told that all along she has been staying only with her father and she wants to continue her education, staying with her father.

3. From the above statement, we are convinced that the girls are not in illegal confinement. We enquired the children. They told us that they are not willing to go with the petitioner and they are happy with their father and therefore, they want to stay only with their father, i.e., the fourth respondent herein and continue their education.

4. The above statement is recorded. The children have grown up and taking into consideration of their own decision, we are unable to grant any relief sought for by the petitioner. Hence, the habeas corpus petition is dismissed. The fourth respondent is permitted to keep the minor children in his custody.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rkp

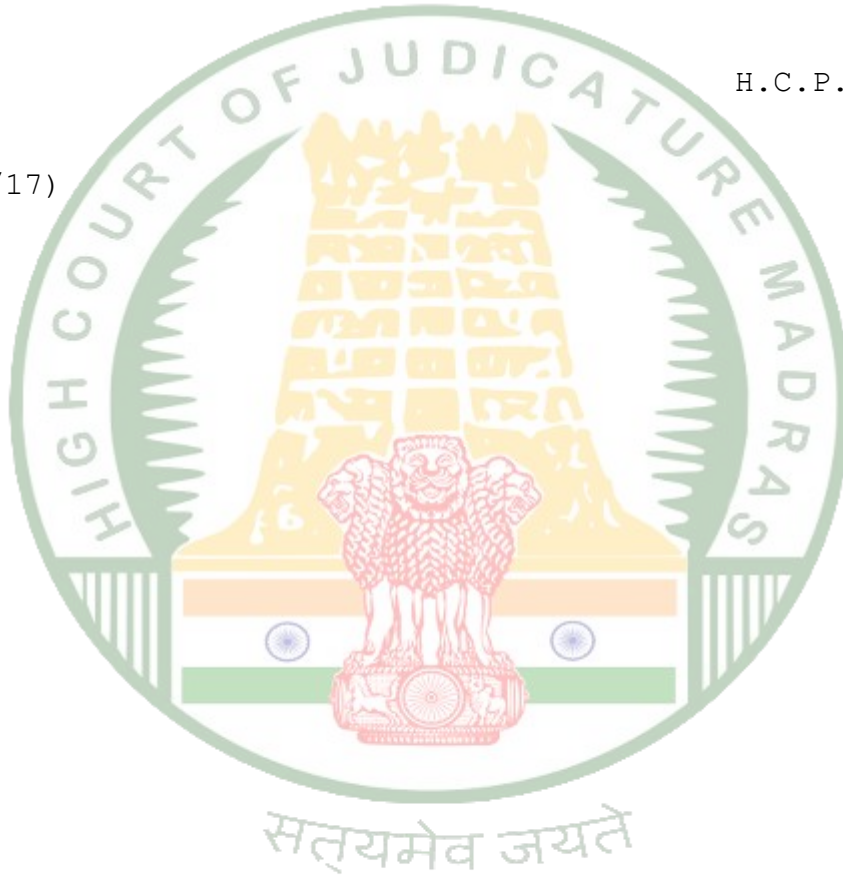
To

1. The Superintendent of police,
The State of Tamil Nadu,
Thiruvarur District.

2. The Deputy Superintendent of Police,
Thiruthuraipoondi, Thiruvarur District.
3. The Inspector of Police,
Thiruthuraipoondi Town Police Station,
Thiruthuraipoondi, Thiruvarur District.
4. The Public Prosecutor,
High Court, Madras.

H.C.P.No.117/2017

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