



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R. SUBBIAH
AND
THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

H.C.P. (MD) No.1574 of 2017

M.Sharmila Banu

: Petitioner

Vs.

1. State represented by the Superintendent of Police,
O/o. the Superintendent of Police
Dindigul.

2. The Inspector of Police
All Women Police Station
Dindigul

3. Mohamed Rila

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondent Nos.1 and 2 to produce the body or person of the petitioner's daughter namely Aafiya Honeya, daughter of Mohamed Rila aged about 1 year old and hand over the custody of the petitioner.

For Petitioner : No appearance

For Respondents : Mr.C.Ramesh for R1 & R2
Additional Public Prosecutor
Mr.M.V.Venkateshan for R3

ORDER

[Order of the Court was made by R.SUBBIAH, J]

This petition has been filed by the petitioner for the production of her minor daughter, namely, Aafiya Honeya, aged 1 year, who was in the illegal custody of the third respondent, who is none other than the husband of the petitioner.

2. When the matter was taken up for consideration, on 01.11.2017, this Court passed the following order:



"The petitioner appeared before us. The third respondent along with the minor child aged about 1 year also appeared before us. We enquired both the parties.

2. The third respondent stated that the child is with him for more than one year and therefore, the child is reluctant to go with the petitioner. However, the third respondent stated that he has no objection if the petitioner come and live with the child. But, the petitioner submitted that she is residing at Dindigul and the third respondent along with the child may come and reside at Dindigul.

3. After enquiry, as an interim arrangement, both of them agreed to stay along with the child at Madurai in an Hotel for a period of one week. Accepting their request, the matter is adjourned to 07.11.2017 and on that day, both of them shall be present before this Court along with the child."

3. Again, when the matter was listed on 07.11.2017, this Court passed the following order:

"When the matter came up for hearing on 01.11.2017, the petitioner as well as the third respondent agreed for an interim arrangement to stay along with the child in a Hotel for a period of one week without any interruption of any of their relatives. Accordingly, they stayed at Madurai along with their child/detenu. Today, when they appeared before this Court, the petitioner stated that now she is going along with her husband to Chennai and absolutely, there is no problem between them and the child is also adopted with the mother. However, the learned counsel for the petitioner made a request to adjourn the matter. Accordingly, the matter is adjourned to 15.12.2017 for final orders."

4. Today, when the matter was taken up, it is represented by the learned counsel for the third respondent that both the petitioner/wife and the third respondent/husband are living happily along with the detenu/child.

5. In view of the above submission, nothing survives for adjudication in this Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-I)



To

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

2. The Inspector of Police
All Women Police Station
Dindigul

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

+ 1 CC TO Mr.M.V.VENKATASESHAN, ADVOCATE IN SR No. 93220

RR

TE/MR-KKR/SAR-4 : 28/12/2017 : 3P/5C

Order made in
H.C.P. (MD) No.1574 of 2017
Dated: 15.12.2017