

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.06.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE M.NIRMAL KUMAR

H.C.P.No.1045 of 2018

C.Boopthyraj

.. Petitioner

Vs.

State by Inspector of Police,
All Woman Police Station,
North Wing, Kumaran Road,
Tiruppur

..Respondents

Prayer: Petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus to direct the Respondent to trace the whereabouts and produce Petitioner's son, viz., B.Viswak Adhith now aged about 9 years and produce before this Court and handover to the Petitioner.

For Petitioner : Mr.N.Manokaran for
M/s. V.Thillaikumar

For Respondent : Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner and the Learned Additional Public Prosecutor for the Respondent.

2. Today, the Minor Child of the Petitioner, viz., B.Viswak Adhith, aged 9 years, is produced by the Respondent Police from the custody of mother, viz., Mythili [Petitioner's Wife]. This Court interacted with the Petitioner's wife, Mrs.Mythili, aged about 32 years, who had stated that the Petitioner is her husband and her marriage took place with him in March, 2008 and the minor son, viz., B.Viswak Adhith was born on 10.12.2008 and stated that the said minor son is studying in 4th Standard at Spring Mount Public School, Thiurpur. Furthermore, she is now living separately from her husband ever since March, 2018 in her mother's house and the present residential address is

No.46/47, Ala Apartments, Mangalam Road, Thiruppur.

3. The Petitioner's wife, viz., Mythili has no objection for the Petitioner to visit her child, viz., B.Viswak Adhith at her mother's aforesaid place on every Sunday, every week, in the month and she and her mother will not be a hindrance to him.

4. In view of the fact that the Petitioner's minor son, viz., B.Viswak Adhith, aged 9 years, has appeared before this Court and since the said minor is residing along with his mother, viz., Mythili at his grand mother's house, viz., 46/47, Ala Apartments, Thiruppur, this Court closes the present Habeas Corpus Petition by permitting the Petitioner to visit his minor son, viz., B.Viswak Adhith, who is staying with his wife [mother of the child] at the address mentioned supra on every Sunday, every week, in a Month from 10.00 a.m. to 12.00 Noon, of course, on advance intimation to her. It is made clear that the wife of the Petitioner, viz., Mythili or any one from her side shall not cause any inconvenience in any manner to the Petitioner [father of the minor son] to see his child, viz., B.Viswak Adhith and spend time with him.

Before parting with the case, this Court makes it clear that if the Petitioner / Husband is desirous of instituting any legal proceedings before the competent forum seeking custody of the minor child, viz., B.Viswak Adhith or for visitation rights, he shall do so as early as possible, not later than four weeks from the date of receipt of copy of this order. Till such time, the order passed by this Court permitting the Petitioner to visit his minor son, viz., B.Viswak Adhith shall be in force.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

ssd

To

1. State by Inspector of Police,
All Woman Police Station,
North Wing, Kumaran Road,
Tiruppur

WEB COPY

2. The Public Prosecutor,
High Court, Madras

H.C.P.No.1045 of 2018

SVI (CO)
SP(19/06/2018)



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