

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.No.1321 of 2018

J.Madhumalini

.. Petitioner

-vs-

1. The Director General of Police,
Union Territory of Puducherry,
No.2, Dumas Street, White Town,
Puducherry - 605 001.
2. The Superintendent of Police (North),
Mettupalayam Police Station,
Puducherry.
3. The Inspector of Police,
Mettupalayam Police Station,
Puducherry.
4. Bhagirath Sharma
5. Kusum Sharma

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 3rd respondent Police to produce petitioner's daughter Himanshi, aged 7 years and son Thanish, aged 4 ½ years before this Court and hand over to the petitioner.

For Petitioner : Mr.P.Veeraraghavan.

For Respondents : Mr.Balamurugane,
Additional Public Prosecutor.

JUDGMENT

(Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

The Petitioner is the wife of the 4th respondent as they

got married on 11.02.2010. They are blessed with two children viz., Himanshi and Thanish. There is a marital dispute between the 4th respondent and the petitioner and they have been living separately for a long time. Subsequently, the 4th respondent in the guise of living together, came to petitioner's house and stayed with them for one day and kidnapped her son and daughter on 01.06.2018. Therefore, the petitioner was compelled to give a police complaint on 16.06.2018, which was received by the 3rd respondent police. Thereafter, no action has been taken. Hence, the petitioner is constrained to approach this Court by way of this petition.

2.After notice, the matter has been called today. The petitioner is present along with her children. Mr.Balamurugane, learned Additional Public Prosecutor (Pondicherry) submits that the police found the children in the relatives house of the 4th respondent as the 4th respondent left his children there and they have been handed over to the petitioner on 22.10.2018.

3.The petitioner submits that there is a dispute with her husband and she does not want to continue the proceedings. In view of the above fact and that the children restored to the petitioner, this Writ petition has become infructuous. Since, the petitioner expressed her desire not to proceed with the criminal proceedings against the 4th respondent as the children have been restored to her, Crime No.67 of 2018 on the file of the 3rd respondent is hereby quashed.

4.The respondent police is directed to keep a watch on the 4th respondent. Since the criminal proceedings against the 4th respondent is quashed, there is no necessity to apprehend or arrest the 4th and 5th respondents and the NBW issued against them, is recalled and cancelled.

5. With the above direction, this Habeas Corpus Petition is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

ay/sai

To

1. The Director General of Police,
Union Territory of Puducherry,
No.2, Dumas Street, White Town,
Puducherry - 605 001.
2. The Superintendent of Police (North),
Mettupalayam Police Station,
Puducherry.
3. The Inspector of Police,
Mettupalayam Police Station,
Puducherry.

H.C.P.No.1321 of 2018

GMV (19/11/2018)



WEB COPY