

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER
And

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.2456 of 2017

Mathina

... Petitioner

-vs-

1. State : represented by
Inspector of Police,
B-10, Selvapuram,
Coimbatore-641 026.

2. M.Purhanudeen

... Respondents

* * *

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records of the first respondent and direct the respondents to produce the petitioner's son and daughter, namely, B.Marliya (minor) aged about 8 years and B.Mohamed Imran, aged about 5 years old, now they are under the custody of the second respondent before this Court and handover the custody of the minor children in the hand of the petitioner (mother) and set them at liberty.

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For Petitioner : Mr.C.Deivasigamani

For Respondents : Mr.V.M.R.Rajentran
Additional Public Prosecutor for R1

Mr.A.Raja Mohamed for R1

O R D E R

[Order of the Court was made by RAJIV SHAKDHER, J.]

1. Respondent No.2, along with detenues, has been produced in Court.

2.1. The detenues are two (2) minor children, i.e., Ms.B.Marliya aged 8 years and Master B.Mohamed Imran, aged 5 years.

2.2. The petitioner is the mother of the detenues.

3. It is the case of respondent No.2 that the marriage between himself and the petitioner stands dissolved. We are not called upon to rule on this aspect of the matter. However, pursuant to our interaction with the petitioner and respondent No.2, the following agreed directions are issued for the purposes of disposal of the present petition :

(i) Respondent No.2 will handover the custody of the children on every alternative Sunday of each month to enable the petitioner to interact with the children.

(ii) The children will be handed over by respondent No.2 to the petitioner at 10.00 a.m. and they shall be returned to his custody by the petitioner at 4.00 p.m.

(ii)(a) The children will be brought for the aforesaid purpose by respondent No.2 to the Jamath, which is located at Al-Ameen Jamath (Colony), Ulukadam, Coimbatore.

(iii) The first such interaction will take place on 21.01.2018 (Sunday). Likewise, on 04.02.2018, and so on, similar interactions between the petitioner and children will take place.

4. We also make it clear that the petitioner will be at liberty to take recourse to other appropriate measures, as are prescribed in law, if, she so desires to gain permanent custody of the children.

5. The petition is disposed of, in the aforesaid terms.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
B-10, Selvapuram,
Coimbatore-641 026.

2. The Additional Public Prosecutor,
Madras High Court, Chennai-104.

+1cc to Mr.C.Deivasigamani, Advocate, S.R.No.1652

H.C.P.No.2456 of 2017

RRK(19/01/2018)