

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 29.10.2018

CORAM :

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

H.C.P.No.2173 of 2018

R.Roseline Jerold Mary .. Petitioner

-vs-

1. State by

The Inspector of Police,  
All Women Police Station,  
Thirukoilur,  
Villupuram District.

2. Maria Joseph .. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the 1<sup>st</sup> respondent viz., The Inspector of Police, All Women Police Station, Thirukoilur, Villupuram District to produce the detenu viz. Thompson Antony, aged about 5 years (minor child), son of Mr.Maria Joseph from the custody of the 2<sup>nd</sup> respondent herein before this Court and hand over him to the petitioner.

For Petitioner : Mr.R.Prabhudoss

For First Respondent : Ms.Kirthika,  
Government Advocate (Crl.side)

ORDER

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

This petition has been filed by the wife of the 2<sup>nd</sup> respondent, who got married to him on 01.06.2012, seeking a Writ of Habeas Corpus to produce their son, named Master Thompson Antony, aged about 5 years as the 2<sup>nd</sup> respondent took away the child from her.

2.Notice was ordered. The 2<sup>nd</sup> respondent was produced before this Court along with his child by the police. The grievance of the petitioner is that the 2<sup>nd</sup> respondent seems to be not working and the petitioner alone was an earning member of the house, who works in a private school. Further, the 2<sup>nd</sup>

respondent was not co-operating with the petitioner even in the house hold works.

3.Heard both the learned Counsel for the petitioner as well as learned Government Advocate for the 1<sup>st</sup> respondent.

4.Primarily, it seems to be a misunderstanding between the petitioner and 2<sup>nd</sup> respondent/husband. In any event, the child of the petitioner is about 5 years old who needs love and affection from his mother/petitioner as well as care and guidance from his father/2<sup>nd</sup> respondent. Without any of the above, it is very difficult to groom the child. Therefore, in the interest of the child, this Court has advised both the parties to get reunited and live peacefully.

5.When the matter is called today, both the petitioner as well as the 2<sup>nd</sup> respondent undertakes before this Court that they are ready to live together. Though the petitioner has expressed some grievances against the 2<sup>nd</sup> respondent/husband and so also, the 2<sup>nd</sup> respondent has expressed some grievances against the petitioner/wife, it is normal and usual in all the households between husband and wife. The petitioner undertakes to go and live with the 2<sup>nd</sup> respondent/husband along with the child.

6.This Court has already suo motu stayed the divorce proceedings in I.D.O.P.No.116 of 2018, on the file of the Principal District Court, Villupuram, which has been filed by the 2<sup>nd</sup> respondent/husband. The 2<sup>nd</sup> respondent/husband undertakes to withdraw the same and he has also made an endorsement to that effect in the Court bundle.

7. In view of the decision taken by both the parties to get reunited, this Court suo motu withdraws I.D.O.P.No.116 of 2018 on the file of the Principal District Court, Villupuram and dismisses the same.

With the above observation, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ay/sai

To

1.The Inspector of Police,  
All Women Police Station,  
Thirukoilur,  
Villupuram District.

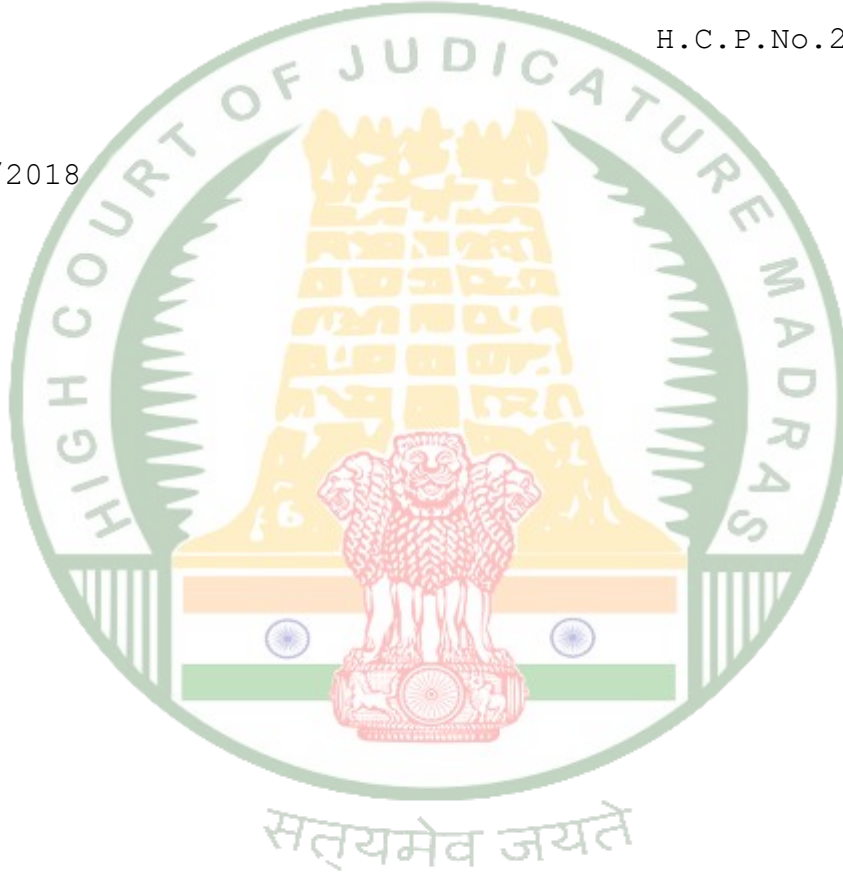
2.The Principal District Court,  
Villupuram.

+lcc to Mr.C.Santhosh Kumar, Advocate, S.R.No.74098

H.C.P.No.2173 of 2018

MP (CO)

rrs 26/11/2018



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