



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2018

CORAM:

WEB COPY

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P(MD) No.13 of 2018

Umadevi

... Petitioner

-vs-

1.The Superintendent of Police,
Thanjavur District,
Thanjavur.

2.The Inspector of Police,
All Women Police Station,
Pattukkottai,
Thanjavur District.

3.Sureshkannan

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the 2nd respondent to secure the detenu and produce the body or person of the detenu, a female child viz., S.Dhanusri, D/o. Umadevi, aged 4 years, before this Honourable Court, illegally detained by the 3rd Respondent and handover the custody of the detenu to the petitioner forthwith.

For Petitioner : Mr.S.Deenadhayalan

For R1 & R2 : Mr.K.Dinesh Babu
Addl. Public Prosecutor

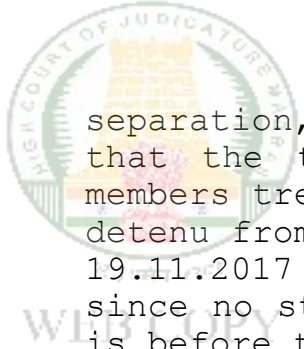
For R3 : Ms.S.Prabha

O R D E R

[Order of the Court was made by S.VIMALA, J]

This petition has been filed by mother, seeking direction to the 2nd respondent to produce her daughter / detenu herein by name S.Dhanusri, aged about 4 years, who was illegally detained by the 3rd Respondent and handover the custody of the detenu to her forthwith, before this Court.

2. It is submitted by the petitioner that her marriage with the third respondent was solemnized on 07.09.2007 and out of their wedlock, they blessed with two children, viz., Rishikesh and Dhanusri respectively. Thereafter, due to difference of opinion, the couple got estranged. It is alleged by the petitioner that after



separation, she has been residing in the house of her parents and that the third respondent, a practising Advocate and his family members trespassed into her parents' house and forcibly abducted the detenu from her custody. Therefore, she has preferred a complaint on 19.11.2017 to the second respondent for securing her daughter and since no steps have been taken so far by the Police, the petitioner is before this Court.

3. When the matter was taken up for hearing on 11.01.2018, this Court, as an interim measure, had permitted the petitioner to visit her children on every Saturday and Sunday and listed the matter today for hearing to know about the progress in the relationship between the petitioner and her children.

4. The learned counsel on either side are present and when the petitioner / mother asked her child to come to her, the child was so reluctant to go to her mother. Therefore, we are of the view that forcible separation of the child at this stage would be detrimental to her growth and hence, this Habeas Corpus Petition is closed with liberty to either of the parties to work out their remedy before the appropriate forum in accordance with law.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To:

1. The Superintendent of Police,
Thanjavur District,
Thanjavur.
2. The Inspector of Police,
All Women Police Station,
Pattukkottai,
Thanjavur District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+One cc to M/s.S.Deenadhayalan, Advocate, SR.No.54006
+one cc to M/s.S.Prabha, Advocate, SR.No.53741

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RL/6C/2P/JC/SAR1/27/3/2018

H.C.P (MD) No.13 of 2018