



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
H.C.P.[MD].No.791 of 2018

Gayathiri : Petitioner

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.

3.C.Govindarajan : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure the detenu - Yasmika, D/o.C.Govindarajan, third respondent herein, aged about 3 years, from the illegal custody of the third respondent and hand over her custody to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents 1&2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

For Respondent No.3 : Mr.T.Lajapathi Roy

O R D E R

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

The petitioner is the wife and the third respondent is the father. They are fighting over the custody of a minor child, aged about three years. This Court, by order dated 02.07.2018, was pleased to pass the following order:-

"We have deliberated much on the issue of handing over custody of minor infant girl, aged 4 years, to the petitioner/wife, as claimed, the child having been held by the third respondent/her husband. We have had much cooperation from counsel on either side.

2.The impression the petitioner gives us is of not wishing to resume the matrimonial tie. She cites misconduct on the part of the third respondent as the



reason therefor. Third respondent denies any such misconduct and states he is willing to resume the matrimonial bond. Considering that the child of the couple is a girl aged 4, we record the position that her custody had been handed over by the third respondent to the petitioner and the third respondent may call at Kaliyamman Kovil, Thirunagar, Palani between 5 and 7 p.m. every Friday and take the girl child into his custody and return custody of the minor child to the petitioner by 6.00 p.m. on Sunday at the same venue.

Post the matter on 31.07.2018".

2. It is noted at the bar that the petitioner has filed a petition for divorce. It is also agreed that pending further recourse to law, the present arrangement, as extracted above, may continue.

3. Accordingly, the Habeas Corpus Petition is disposed of, in terms of the interim order, referred to above. The parties are at liberty to seek appropriate orders before the jurisdictional Court.

Sd/
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar (CS-III)

To

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

2.The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.LENIN KUMAR, Advocate, SR.No.78890

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KK/RP/SAR-3/05.09.2018/2P-5C