



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.08.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.[MD].No.1121 of 2018

WEB COPY

Sheeba

: Petitioner

Vs.

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.
3. The Inspector of Police,
All Women Police Station,
Madurai Town,
Madurai.

4.Sooriyakumari

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the second respondent to produce the body or person of the petitioner's minor daughter namely Caroline Pushba Leela, D/o.Late.Immanuvel Isrel, aged about 10 years, before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.C.Susi Kumar

For Respondents 1to3 : Mr.K.Dinesh Babu,
Additional Public Prosecutor

For Respondent No.4 : Mr.S.Krishnan

O R D E R

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

This Habeas Corpus Petition has been filed by the mother seeking custody of her minor daughter, namely Caroline Pushba Leela, D/o.Late.Immanuvel Isrel, aged about 10 years, from the fourth respondent, who is none other than her mother-in-law.

2. It appears that the petitioner's husband died when the child was six months old. Thereafter, for some time, the petitioner and the fourth respondent were living together along



with the child. The petitioner got re-married and she is having a child now. For the past few months, the child was brought into the custody of the fourth respondent.

3. Considering the above situation, we asked the detenu, who was produced before this Court by the respondent police. The detenu is aged about 10 years. Her thought process is very clear. In clear terms, she has told us that she would prefer to live with the fourth respondent. However, she has said that she has no objection for the petitioner to come and visit her.

4. Thus, we find that there is no illegal custody involved. After all, this Court is concerned with the interest of the child as a paramount consideration. When the child is very comfortable with the fourth respondent and not willing to go with the petitioner, we are not inclined to pass any order holding the custody as illegal. The fourth respondent is none other than the grandmother of the child. She has also informed us that the child is studying at Trichy. It was further told to us by the fourth respondent that the child will be taken proper care of.

5. In view of the above, we are inclined to dismiss the Habeas Corpus Petition and accordingly, the same is dismissed, However, this order will not stand in the way of the petitioner in seeking custody of the child. As and when a petition is filed, the Jurisdictional Court will have to decide it without being influenced by any of the observation made by us in this order.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.
3. The Inspector of Police,
All Women Police Station,
Madurai Town,



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

+1cc to Mr.C.Susi Kumar, Advocate Sr.No.79526

SML

VB/RP/SAR2/31.08.2018/3P/6C

Order made in
H.C.P. [MD].No.1121 of 2018
Dated: 20.08.2018