

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M.NIRMAL KUMAR

H.C.P.No.1229 of 2019

V.Sudha (35 years),
Wife of Late C.Haridass,
D-4, Chola Rajan Apartments,
Vaishnavi Garden, Chinna Tirupathi,
Salem-634 008. ... Petitioner

Vs.

1. The Superintendent of Police,
Villupuram District.
2. The Inspector of Police,
Kachirapalayam Police Station,
Villupuram District.
- 3.P.Chandiran,
L.F.Road, Opposite to Bharathi School,
Kachirapalayam, Chinnasalem Taluk,
Villupuram District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus directing respondents 1 and 2 forthwith to produce the minor children of the petitioner namely Jeevesh Raja (aged 14 years) and Tarunesh Raja (aged 10 years) sons of late C.Haridass before this Court from the illegal custody of the third respondent and hand over to the petitioner.

For Petitioner .. Mr.Selvaraj K.

For Respondent .. Mr.C.Iyyapparaj
Addl. Public Prosecutor R1 & R2

Mr.R.Neelakandan for R3

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The above Habeas Corpus Petition is filed seeking direction to respondents 1 and 2 forthwith to produce the minor children of the petitioner viz., Jeevesh Raja (aged 14 years) and Tarunesh Raja (aged 10 years) sons of late C.Haridass before this Court from the illegal custody of the third respondent and hand over to the petitioner.

2. Today i.e., on 03.07.2019 all the parties are present. The petitioner, third respondent and the detenus had interaction with us. We also permitted the petitioner to have access to both their children. We find that the detenus are not inclined to be with the petitioner. They have also joined the school by name 'Oxaliss International School', CBSE situated at Thatchur, Villupuram District, Kallakurichi. Earlier they were studying in Jaya Jaya Sankara International School, 3/495, Chennai-Bangalore Highway, Nazarathpet, Chennai-600 123.

3. The detenus informed that certificates, such as, transfer certificate etc., will have to be received from the earlier school viz., Jaya Jaya Sankara International School, 3/495, Chennai-Bangalore Highway, Nazarathpet, Chennai-600 123, and submitted to the new school on or before 8th July, 2019.

4. The learned counsel appearing for the petitioner fairly submits that the petitioner would not have any objection for the third respondent to receive the certificates of the detenus/minor children.

5. We also call upon the Principal, Jaya Jaya Sankara International School, 3/495, Chennai-Bangalore Highway, Nazarathpet, Chennai-600 123, to hand over the certificates to the third respondent so as to continue the studies of the children at Oxaliss International School', CBSE situated at Thatchur, Villupuram District, Kallakurichi.

6. The learned Additional Public Prosecutor has informed us that two complaints, which are lodged by the petitioner and the third respondent, are pending at CSR stage.

7. In such circumstance, we direct the Inspector of Police, Poonamallee, to complete the enquiry within a period of six weeks from the date of receipt of a copy of this order. The parties are directed to co-operate for the completion of the enquiry. We expect that the Principal, Jaya Jaya Sankara International School, 3/495, Chennai-Bangalore Highway, Nazarathpet, Chennai-600 123, shall furnish the transfer

certificates of the minor children to the third respondent at the earliest. As we do not find any illegal custody involved, the Habeas Corpus Petition stands closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

raa

To

- 1.The Principal,
Jaya Jaya Sankara International School,
3/495, Chennai-Bangalore Highway,
Nazarathpet, Chennai-600 123.
- 2.The Superintendent of Police,
Villupuram District.
- 3.The Inspector of Police,
Kachirapalayam Police Station,
Villupuram District.
- 4.The Inspector of Police,
Poonamallee Police Station,
Poonamallee.
- 5.The Public Prosecutor.
High Court, Madras.

+1 cc to Mr.K.Selvaraj, Advocate, S.R.No.55878

+2 ccs to Mr.R.Neelakandan, Advocate, S.R.No.55521

H.C.P.No.1229 of 2019

GJ(CO)
SSM(04/07/2019)

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