



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18..07..2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M.NIRMAL KUMAR
Habeas Corpus Petition No.1318 of 2019

Mrs.Vilasini

... Petitioner

-Versus-

- 1.The Commissioner of Police,
E.V.K.Sampath Road,
Vepery,
Periyamet,
Chennai 600007.
- 2.The Inspector of Police,
Thiruvanmiyur Police Station,
Chennai 600041.
- 3.Mr.Suresh K Nair

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the petitioner's son, the detenu - Sidharth S.Nair, aged 9 years and Sachin S.Nair, aged 7 years, now under the custody of their father, the 3rd respondent and handover the custody of the detenus to the petitioner.

For Petitioner	: Ms.Kavitha Deenadayalan
For Respondents	: Mr.C.Iyyapparaj, APP for RR1 and 2 Mr.A.Kribakaran for R3

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner is the mother of the detenus namely, (1) Sidharth S.Nair, aged 9 years and (2) Sachin S.Nair, aged 7 years. She has come up with this petition seeking a direction to the respondents 1 and 2 to secure the detenus from the custody



of the 3rd respondent, who is the father of the detenus, and produce them before this court.

2. It is the case of the petitioner that the whereabouts of her children are not known after the consent divorce decree granted on 07.11.2016. It is her further case that the affidavit filed by her before the court has been tampered with respect to the custody of the children with the 3rd respondent.

3. The learned counsel for the petitioner submitted that the particulars of the children are not known and, therefore, the petitioner is even unable to contact them.

4. The learned counsel for the 3rd respondent submitted that it is not correct to state that there is an interpolation in the affidavit filed by the petitioner before the court stating that the custody of the children would be with the 3rd respondent. Thereafter, she has signed the papers facilitating the travel of the 3rd respondent along with children to United States of America. The children are studying in USA for three years. The petitioner had issued a notice in the year 2013 which was suitably replied by the 3rd respondent. Thereafter, the petitioner has also filed a petition seeking custody of the children. A compliant was also given before the police alleging that the custody has been taken from her illegally.

5. The facts as narrated above would reveal that the allegations are absolutely false and hence, this petition is liable only to be dismissed. We are not willing to go into the respective submissions made. Admittedly, the petitioner filed a petition seeking custody of the children. Now, the learned counsel for the 3rd respondent has given the address of the children and the 3rd respondent. It is for the petitioner to work out her remedy in the manner known to law. The learned counsel for the 3rd respondent has fairly submitted that if the petitioner wants to contact the children, she can contact them through Skype. The above said statement made by the learned counsel for the 3rd respondent is recorded.

5. In the result, This Habeas Corpus Petition is dismissed recording the submission made by the learned counsel for the 3rd respondent. However, the petitioner is given liberty to work out her remedy in the manner known to law.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



kmk

To

WEB COPY

- 1.The Commissioner of Police, E.V.K.SampathRoad, Vepery,
Periyamet, Chennai 600007.
- 2.The Inspector of Police, Thiruvanmiyur Police Station,
Chennai 6000041.

H.C.P.No.1318 of 2019

ss (co)
nr 30/08/2019