



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

Coram

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

H.C.P.No.1396 of 2019

Jayalatchumi ... Petitioner

Vs.

1.The Superintendent of Police
Villupuram District,
Villupuram.

2.The Inspector of Police,
All Women Police Station,
Gingee,
Villupuram District.

3.Natesan

4.Krishnaveni ... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to direct the 2nd respondent to produce the petitioner's children by name Vetrivel, aged about 5 years old and Susmitha aged about 1 ½ years old before this Court and restore their legal custody from the illegal custody of 3rd and 4th respondents and handover to the petitioner.

For Petitioner ..Mr.M.Subash

For R1 & R2 ..Mr.C.Iyyapparaj,
Additional Public Prosecutor.

ORDER

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

The petitioner is the mother of the detenus - Vetrivel, aged about 5 years old and Susmitha aged about 1 ½ years. This petition has been filed by her seeking a direction to the 2nd respondent for production of the detenus from the illegal custody of 3rd and 4th respondents.



2. The learned counsel for the petitioner submitted that the petitioner is not given access to her minor children, who are at tender age, by the respondents 3 and 4.

WEB COPY

3. The respondents 3 and 4 are present. On enquiry, they have given a different picture. We do not want to record the statement made by them as it would hamper the investigation. According to them, the petitioner went away from the matrimonial home on her own wish few months after the demise of her husband. For the past 10 months, the children are with the respondents 3 and 4. We also interacted with the one of the children and he is not very comfortable with the petitioner, though we asked the respondents 3 and 4 to facilitate the meeting of one of the child with the petitioner. On a complaint, a case has been registered in Crime No.13 of 2018 on the file of the Inspector of Police, Nallan Pillai Petral Police Station, Villupuram District, under Section 174 of Cr.P.C. for the unnatural death of the husband of the petitioner and the investigation is still going on.

4. In view of the above, we do not find any illegal detention involved in this matter as the children are with the paternal grandmother. Accordingly, this Habeas Corpus Petition stands dismissed. However, liberty is given to the petitioner to work out her remedy in the manner known law. We direct the concerned police to conclude the investigation within a period of 8 (eight) weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2.The Inspector of Police, All Women Police Station,
Gingee, Villupuram District.



3.The Inspector of Police, Nallan Pillai Petral Police Station,
Villupuram District.

4.The Public Prosecutor,
High Court, Madras.

H.C.P.No. 1396 of 2019

mg[col]
srg 21/08/2019