

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH  
and  
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 2287 of 2018

Manimekalai

... Petitioner

-vs-

State rep. by

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

2.The Inspector of Police,  
All Women Police Station,  
Dharmapuri, Dharmapuri District.

3.Santhamoorthy ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus directing the respondents herein to produce the body of the petitioner's minor children Midhun Sakravarthi, S/o.Sandhamoorthy, aged about 14 years and Hemathesath @ Priyadharshini, D/o.Sandhamoorthy, aged about 11 years, who are now illegally detained by the third respondent before this Court and hand over them to the petitioner.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents : Mr.R.Prathap Kumar  
: Addl. Public Prosecutor  
for R1 & R2

ORDER

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

Seeking production of the petitioner's minor children Midhun Sakravarthi, aged about 14 years and Hemathesath @ Priyadharshini, aged about 11 years, who are now illegally detained by the third respondent before this Court and hand over them to the petitioner, the present habeas corpus petition has been filed.

2.The petitioner is the divorced wife of the third respondent. The divorce took place way back in the year 2009. Now, the petitioner seeks the custody of the minor children who have been living with the third respondent for nearly a decade. The earlier complaint given by her was withdrawn in the year 1998.

3.Though the learned Additional Public Prosecutor submitted that even the present complaint the petitioner has agreed to withdraw, the learned counsel appearing for the petitioner submitted that it is not so.

4.We are not inclined to go into the issue of custody between the petitioner and the third respondent. However, considering the grievance of the petitioner, we direct both the petitioner and the third respondent to be present before the District Legal Services Authority, Dharmapuri on 18.11.2019 so that atleast the petitioner can have visitation rights.

5.In such view of the matter, the Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

mmi/ssm

To

1.The District Legal Services Authority,  
Dharmapuri District, Dharmapuri.

2.The Superintendent of Police,  
Dharmapuri, Dharmapuri District.

3.The Inspector of Police,  
All Women Police Station,  
Dharmapuri, Dharmapuri District.

4.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.K.Gandhi Kumar, Advocate SR.No.88096

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MR (CO)  
GMY (18/11/2019)



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