



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR. N.ANAND VENKATESHI

HCP.(MD).No.933 of 2019

R.Hema Pooja Valli

... Petitioner

Vs.

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

2. The Inspector of Police,
All Women Police Station,
Srivilliputhur Post,
Virudhunagar District.

3.G.Prabu

4.Gnanamani

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the body or person of the detenu namely minor Selvi Srinithi (5 years), Selvi. Sri Varshini (3 years) and 7 months old mother feeding child Selvan. Shanmugavel before this Court and set at liberty with the petitioner.

For Petitioner	: Mr.M.Saravanakumar
For Respondents	: Mr.K.Dinesh Babu
(R1 & R2)	Addl.Public Prosecutor
For Respondents	: Mr.A.Uthayakumar
(R3 & R4)	

O R D E R

S.VAIDYANATHAN, J.

AND

N.ANAND VENKATESH, J.

Pursuant to the orders passed by this Court on 24.09.2019, all the 3 children were brought before this Court. The 3rd respondent, who is the husband of the petitioner, stated that he is willing to take the petitioner along with him. He in fact said that two of the children have some ailments and they have to be taken care and he is not able to manage with them and will require the petitioner to do her duty as mother.



2. We enquired the petitioner and she stated that she is not willing to go along with the 3rd respondent. She gives various reasons, as to why she does not want to go with the 3rd respondent. We passed over the case and requested the counsel to advise her and impress upon her that the welfare of the children is more important in this case, since they are aged about 5 years, 3 years and 10 months respectively. Two of those children are girl children. The counsel also tried his best to advise the petitioner. Ultimately, when the matter was again called, we again enquired the petitioner and the petitioner stated that she requires more time to think over and she is not in a position to take any decision immediately. For the present, the petitioner is not willing to go along with the 3rd respondent.

3. In view of the above development, we cannot pass any orders regarding custody of the children, since it is already a subject matter before the concerned court and it is brought to our notice that the 3rd respondent has already filed a petition to set aside the earlier orders passed by the Court. Therefore, the parties will have to work out their remedy only before the concerned court, in accordance with law.

4. This Habeas Corpus Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

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

2. The Inspector of Police,
All Women Police Station,
Srivilliputhur Post,
Virudhunagar District.

+1 CC to Mr.A. UTHAYA KUMAR, Advocate (SR-90938[F] dated 03/10/2019)

+1 CC to Mr.M. SARAVANA KUMAR, Advocate (SR-91030[F] dated 03/10/2019)

**HCP. (MD) .No.933 of 2019
30.09.2019**

mpk

MK (22.10.2019) 2P 5C

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