

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE ACTING CHIEF JUSTICE
RAGHVENDRA SINGH CHAUHAN**

AND

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.8360 of 2019

Date: 26.04.2019

Between:

Pulla Surya Prakash Reddy

... Petitioner

and

The State of Telangana,
Rep. by its Principal Secretary,
Home Department, Secretariat,
Hyderabad, and others.

... Respondents

Counsel for the petitioner : Mr. M. Rajender Reddy

Counsel for the respondent Nos1 to 3: AGP for Home

Counsel for the respondent No.4: Mr. Ali Farooq

The Court made the following:

ORDER: *(per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)*

Mr. Pulla Surya Prakash Reddy, the petitioner, has filed this Habeas Corpus Petition ostensibly on the ground that his minor daughter, Pulla Saai Pavithra Reddi, has been illegally detained by her mother, the respondent No.4.

Briefly, the facts of the case are that the petitioner and the respondent No.4 were married on 16.05.2010 in accordance with the Hindu rites and customs. On 09.11.2012, the couple were blessed with a baby girl, namely Saai Pavithra Reddi. However, during their marriage, disputes arose between the petitioner and the respondent No.4; they parted their ways. The petitioner claims that ever since the respondent No.4 had left with the small child, he neither knows her whereabouts, nor is in a position to meet his daughter. Therefore, the petitioner claims that the daughter is in illegal custody of the mother. Hence, the present writ petition before this Court.

By order dated 23.04.2019, this Court had directed the respondent No.3 to produce the minor child before this Court. Therefore, today, the police has produced the minor child. The minor child is accompanied by her mother, the respondent No.4.

Mr.M. Rajender Reddy, the learned counsel for the petitioner, has vehemently contended that since the whereabouts of the respondent No.4 are unknown, the petitioner is prevented from interacting with his daughter. Moreover, as her guardian, he has a right to meet his

daughter and to interact with her. Therefore, the custody of the child with the mother is an illegal one.

On the other hand, Mrs.Maddula Deepa @ Samhita, the respondent No.4, in person, informs this Court that since her and her daughter's life is under threat, therefore she is not willing to give her present address even to this Court. For, she fears that the moment her present address is known to the petitioner, or his family members, both her life and the life of the child may be jeopardized.

A bare perusal of the petition clearly reveals that the petitioner has already filed a petition namely, O.P. (SR) No.2243 of 2019 before the Family Court, Ranga Reddy District at L.B. Nagar, for seeking the child custody. Since the said petition is already pending before the concerned Court, this Court is of the opinion that the custody of the child with her mother cannot be said to be an illegal one. Hence, this Court does not find any merit in the present Habeas Corpus Petition. It is hereby dismissed.

However, it is clarified that in case the respondent No.4 feels that her life and the life of the child is threatened by the petitioner, she shall be free to take recourse to the legal remedies available to her.

(RAGHVENDRA SINGH CHAUHAN, ACJ)

(A.RAJASHEKER REDDY, J)

Date: 26.04.2019
va