

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.12868 of 2019

02.07.2019

Between:

Raghavendra K

...Petitioner

and

Jakkoju Kiranmai and others

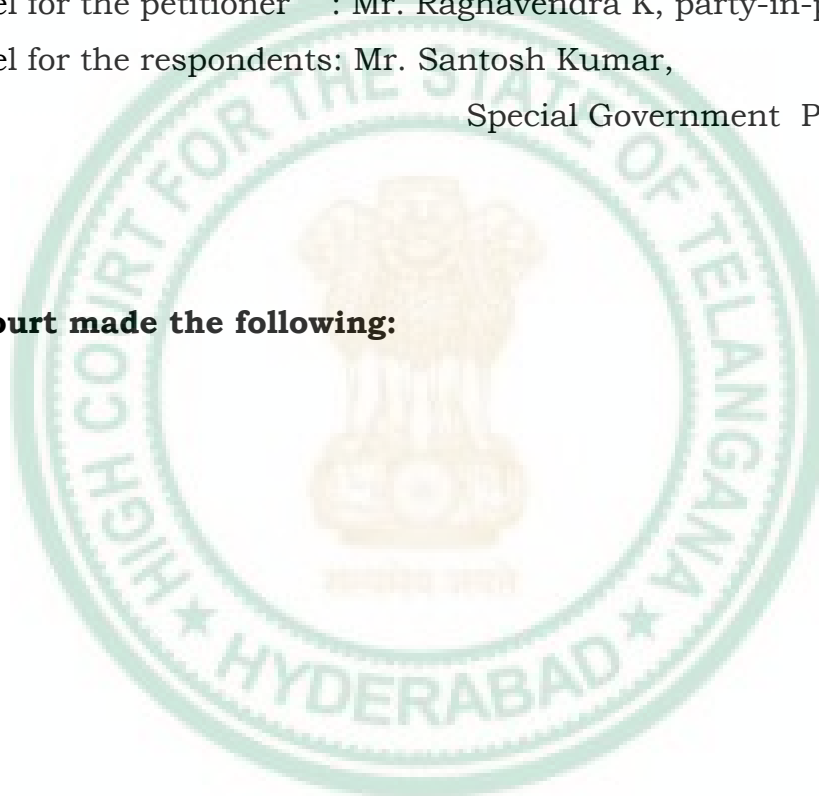
...Respondents

Counsel for the petitioner : Mr. Raghavendra K, party-in-person

Counsel for the respondents: Mr. Santosh Kumar,

Special Government Pleader

The Court made the following:



ORDER: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The petitioner-in-person, Mr. Raghavendra K, has filed the present Habeas Corpus Writ Petition, ostensibly on the ground that his two year and nine months old child, Harshali, is being illegally detained by her mother, the respondent No.1, and by her grand-father, the respondent No.2.

In compliance with the order dated 28.06.2019, the Station House Officer, Gachibowli Police Station, has produced the detinue and the respondent Nos.1 and 2 before this Court.

Mr. Raghavendra K, the petitioner, informs this Court that although he has filed a petition seeking custody of the child before the Family Court, the Family Court is refusing to proceed with the petition, *inter alia*, on the ground that the address, where the child is being kept, is unknown. According to him, despite his best efforts to know the address, where the child is kept, he cannot discover the same. Therefore, he prays that atleast the address, where the child is kept, shall be informed to him.

This Court has spoken to the respondent No.1, Jakkoju Kiranmai, the petitioner's wife. According to her, the child is being kept with her parents, and the address is the same address as given by the petitioner for the respondent No.2. Therefore, according to her, the petitioner is well aware of the whereabouts of the child. Hence, there is no reason for her to reveal as to where the child is kept.

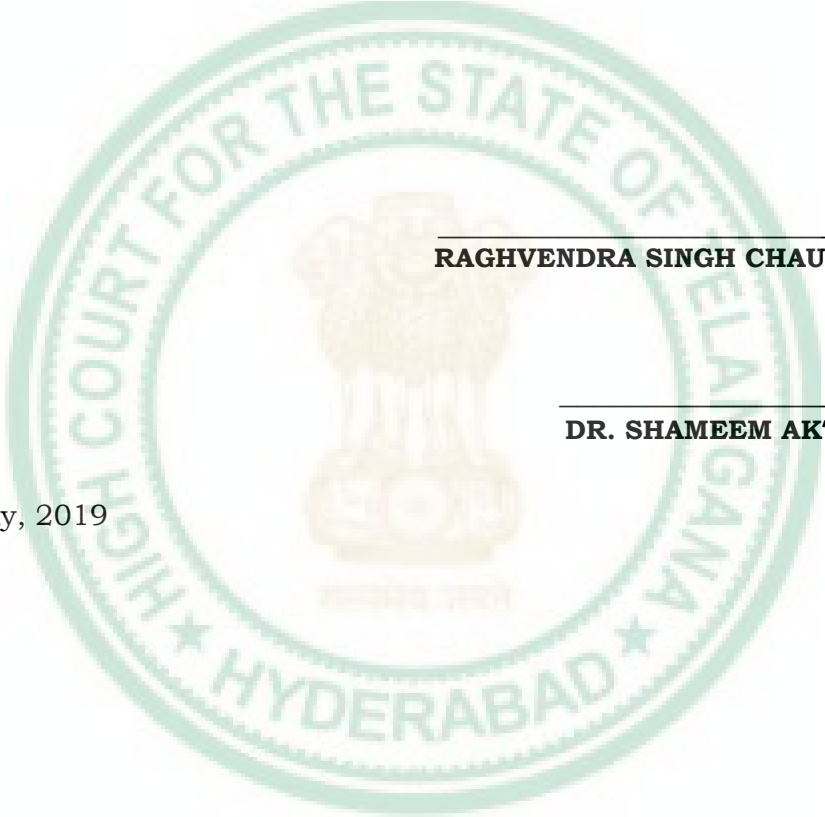
Mr. Santosh Kumar, the learned Special Government Pleader, submits that it is a case of child custody, and the custody of the child with the mother, or with her parents cannot be termed as being illegal.

Heard the petitioner-in-person and the learned Special Government Pleader.

According to law, till the child is five years old, the mother is the natural guardian. Therefore, the custody of the child, presently with the mother, cannot be termed as an illegal custody.

Hence, this Court does not find any merit in the present Habeas Corpus Writ Petition; it is hereby dismissed. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.



RAGHVENDRA SINGH CHAUHAN, CJ

DR. SHAMEEM AKTHER, J

02nd July, 2019
JSU

High Court for the State of Telangana**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN****AND****THE HON'BLE DR. JUSTICE SHAMEEM AKTHER****WRIT PETITION NO.12868 of 2019****(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)****Date: 02.07.2019****JSU**