

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1820 of 2020

Madhubala

... Petitioner

-vs-

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

2.The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

3.Jayakandhan

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus directing the respondents to produce the body of the petitioner's minor daughter namely, Susithra, aged about 8 years, before this Court and handover to the petitioner from the illegal custody of the third respondent.

For Petitioner .. Mr.J.Pradeep

For Respondents.. Mr.R.Prathap Kumar

Addl. Public Prosecutor for R1 & R2

Mr.V.Vijayakumar for R3

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ORDER

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

The petitioner, who is the husband of the third respondent, seeks the custody of the first child born out of the wedlock.

2.Today, both the petitioner, the detenue/minor child and

the husband are present. It appears that the petitioner and the third respondent are living separately though in the same village at the behest of the petitioner herself.

3.We made the detenue to have one to one talk with the petitioner. The detenue informed us on the first occasion and also thereafter that it is she who went voluntarily. This also appears to be the decision of her.

4.Even after the prolonged discussion and talk with the petitioner, the detenue does not want to rejoin her.

5.In such view of the matter, we do not find any illegal custody of the detenue with the third respondent, who is the biological father. In fact, the third respondent has also told us that if the detenue wants to rejoin the petitioner, she can be sent. Thus, against the wish of the detenue, we do not want to send her forcibly to the petitioner. Accordingly, the habeas corpus petition stands closed. However, we make it clear that our order will not stand in the way of the petitioner seeking custody through Court of law, if so advised.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

mmi/ssm

To

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

2.The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.

+1 C.C. to Mr.V.Vijayakumar Advocate sr.NO.37810

H.C.P.No.1820 of 2020

PPA (CO)

UM (11.12.2020)