

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

H.C.P.No.1208 of 2019

S.Jeevitha .. Petitioner

Vs

1. The Inspector of Police,
All Women Police Station,
Mahabalipuram,
Kancheepuram District.
(CSR No.97/2019)

2. S.Nirmal Kumar .. Respondents

* * *

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India seeking a direction to the first respondent to produce the petitioner's minor son Harjeet aged about 9 years and minor daughter Samyuktha, aged about 4 years before this Court from the custody of the second respondent and handover to the petitioner.

* * *

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.R.Prathap Kumar,
Additional Public Prosecutor for R1
Ms.Arulmozhi for R2

ORDER

This Habeas Corpus Petition has been filed seeking a direction to the first respondent to produce the petitioner's minor son Harjeet aged about 9 years and minor daughter Samyuktha, aged about 4 years, before this Court from the custody of the second respondent and handover them to her custody.

2. The petitioner is the mother of the detenues, namely, minor son Harjeet aged about 9 years and minor daughter Samyuktha, aged about 4 years. It has been averred in the petition that the marriage between the petitioner and the second respondent, namely, Nirmal Kumar, took place on 08.02.2009 and out of the wedlock, they are blessed with two children, namely, minor son Harjeet born on 08.11.2009 and minor daughter Samyuktha, born on 02.09.2015. Due to matrimonial dispute, they filed petitions for divorce before the Family Courts, Chennai, and obtained decrees of divorce. It is stated in the petition that even after the divorce, the children were in the custody of the petitioner. However, the petitioner, after obtaining the decree of divorce, remarried one Mr.Yogaraj and knowing this, the second respondent came to the residence of the petitioner on 14.03.2019 and forcibly took away the children. Hence, the petitioner lodged a complaint in Vepery Police Station on the same day. But alleging that so far no effective steps were taken by the police, the petitioner filed this petition.

3. When this petition was taken up for hearing on 10.07.2019, finding that it is only a matrimonial dispute, this Court referred the matter to mediation centre. Today, when this petition is taken up for consideration, the second respondent represented that he is not willing to give the custody of the children to the petitioner. However, he is prepared to give visitation rights of the children to the petitioner on every alternative Sunday from 10.00 a.m. to 6.00 p.m. The said submission is recorded. If the petitioner has any grievance, she has to workout remedy in the manner known to law before the appropriate forum.

4. Recording the submission made by the second respondent, the Habeas Corpus Petition stands closed, as nothing survives for further adjudication in this Habeas Corpus Petition.

सत्यमेव जयते

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

gg

To

1. The Inspector of Police,
All Women Police Station,
Mahabalipuram,
Kancheepuram District.

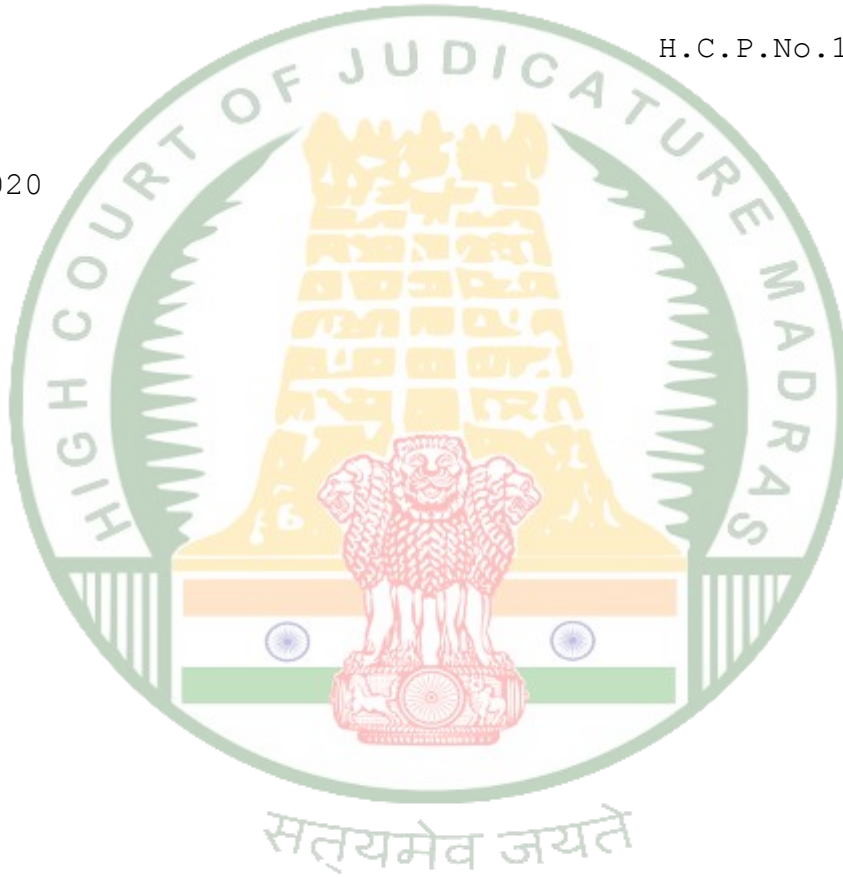
2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.A.Saravanan Advocate sr17924

+1 cc to M/s.A.Arulmozhi Advocate sr16543

H.C.P.No.1208 of 2019

aa20/03/2020



WEB COPY