

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2020

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.2853 of 2019
in
Crl.MP.No.592 of 2020

S. Dhanya ... Petitioner
Vs

1. The Superintendent of Police,
Perambalur District.
2. State represented by Inspector of Police,
Kunnam Police Station,
Perambalur District.
3. State represented by Inspector of Police,
Devarsholai, Police Station,
The Nilgiris.
4. P.Senthil Kumar
5. Ministry of External Affairs,
rep by its Secretary,
New Delhi.

(R5 is impleaded as per order in Crl.MP.No. 592/2020 in
HCP.2853/2019 dated 06/02/2020 ... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution (Special Original Jurisdiction) of India praying to issue a Writ of Habeas Corpus directing the 3rd respondent police to produce the body of the petitioner's minor son Karthik Nivash, now aged about 3 years before this Court and hand over the custody of the minor child to the petitioner.

For Petitioner : Mr.J.Pranklin

For R1 to R3 : Mr.R.Prathap Kumar
Additional Public Prosecutor

For R4 : Mr.K.Sathyabal

O R D E R

(Order of this Court was made by N.KIRUBAKARAN, J.)

This petition has been filed praying for issuance of a Writ of Habeas Corpus directing the 3rd respondent-police to produce the body of the petitioner's minor son Karthik Nivash, now aged about 3 years before this Court and hand over the custody of the minor child to the petitioner.

2. The 4th respondent is the husband of the petitioner and the case of the petitioner is that the child was illegally taken away by the 4th respondent, which compelled the petitioner to come before this Court.

3. When the matter is called today, the learned counsel appearing for 4th respondent would submit that the petitioner travelled to Abhudabi and got orders from the Court of Abhudabi and therefore, she has taken the custody of the child and is living separately with the child. Hence, this petition has become infructuous.

4. In view of the above, this petition is dismissed as infructuous. Consequently, connected miscellaneous petition is closed. There shall be no order to costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Perambalur District.
2. The Inspector of Police,
Kunnam Police Station,
Perambalur District.
3. State represented by Inspector of Police,
Devarsholai, Police Station,
The Nilgiris.
4. The Secretary,
Ministry of External Affairs,
Gudalur.

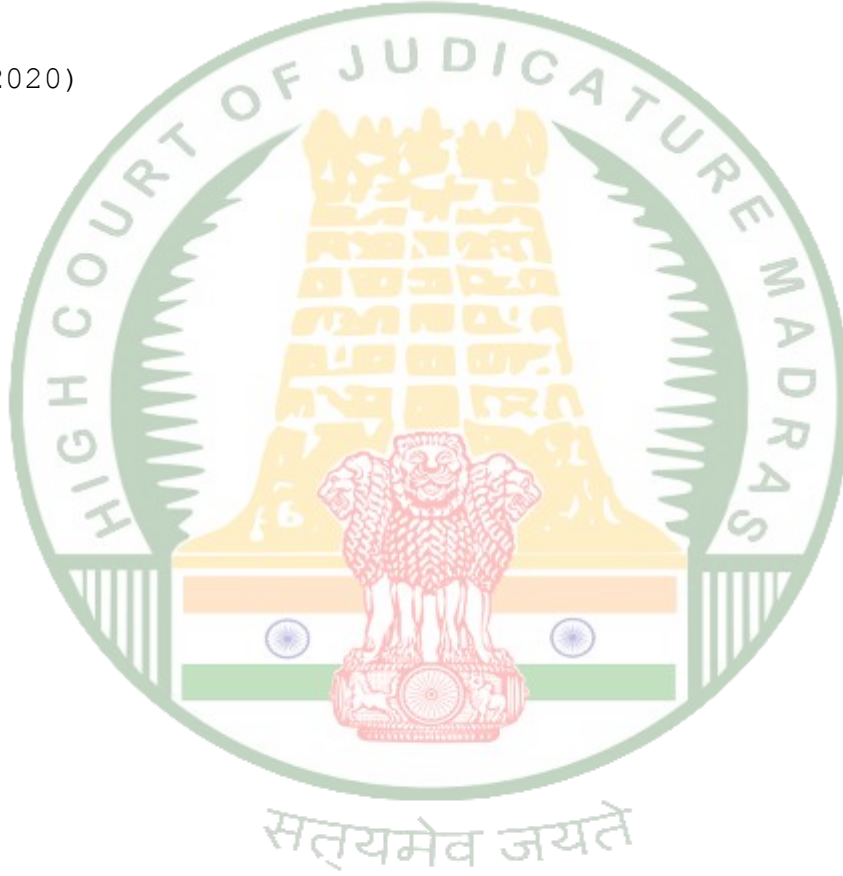
5.The Public Prosecutor,
High Court, Madras.

Copy To

The Subordinate Judge,
The Sub Court,
Gudalur.

H.C.P.No.2853 of 2019
in Crl.MP.No.592 of 2020

VBA (CO)
GN(30/06/2020)



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