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H.C.P.(MD) No.544 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.544 of 2020

K.Renjinipriya @ Nisha

... Petitioner

-vs-

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.

3.Kasinathan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to find out the place of illegal custody of the petitioner's minor children namely Lavanya, D/o.Kasinathan, aged about 10 years and Niranjana, S/o.Kasinathan, aged about 8 years, who are with the illegal custody of some unknown person with the knowledge and support of the third respondent and produce them before this Court and hand over them to the petitioner.

For Petitioner : Mrs.Lakshmi Gopinathan
for M/s.Polax Legal Solutions

For R1 and R2 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This Habeas Corpus Petition has been filed seeking direction to the respondents 1 and 2 to produce the children of the petitioner namely Lavanya, D/o.Kasinathan, aged about 10 years and Niranjana, S/o.Kasinathan, aged about 8 years before this Court and hand over the custody to the petitioner.

2.It is urged by the learned counsel appearing for the petitioner that when the petitioner asked to redeem the jewels <https://hcservices.gov.in/hcservices/>, a false complaint has been given by the third



respondent alleging illicit intimacy with somebody. It is further contended that there is no female member in the family of the third respondent and hence, the petitioner is entitled for custody of the minor children. It is also alleged that the second respondent is preventing the petitioner from even visiting the minor children and they are supporting the third respondent.

3.Per contra, Mr.V.Neelakandan, learned Additional Public Prosecutor would state that this is a case of dispute between the husband and wife and the minor children are with their father. The learned Additional Public Prosecutor denied the allegations made by the learned counsel for the petitioner.

4.In the light of the above facts, this Habeas Corpus Petition is closed giving liberty to the petitioner to work out her remedy before the competent Civil Court.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rj2

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
All Women Police Station,
Kovilpatti, Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-16290[F] dated 09/09/2020)

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SCR(CO)

TP(14-09-2020) 2P 5C
<https://hcservices.ecourts.gov.in/hcservices/>