



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2020

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

H.C.P. (MD) No.1031 of 2020

K.Senthilkumar

... Petitioner

-vs-

1.The Commissioner of Police,
Trichy City,
Trichy.

2.The Inspector of Police,
Woraiyur Police Station,
Woraiyur,
Trichy City.

3.The Chair Person,
Child Welfare Committee,
Trichy.

4.R,Kamatchi

**(4th respondent is impleaded as per the order
dated 30.11.2020 made in Cr1.M.P(MD)No.6296/2020)**

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body or person of the Detenue namely, Minor Santhi Sri aged about 15 years Daughter of Senthilkumar before this Court and hand over to the petitioner's custody.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor (for R1 & R2)



O R D E R

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

The prayer in the habeas corpus petition is to direct the respondents to produce the petitioner's minor daughter, namely, Santhi Sri, aged about 15 years before this Court and handover her custody to the petitioner.

2.The fourth respondent is the wife of the petitioner and they were blessed with two daughters, by name, Jeyanthi shree and Santhi sri and they were born on 08.02.2002 and 03.05.2005 respectively. It is informed that the first daughter, Jeyanthi shree was already married. It appears that there is a matrimonial dispute between the petitioner and the fourth respondent. In this regard, a criminal complaint was lodged and the same was taken in C.S.R.No.604 of 2020. Since there was rival claim to have the custody of the detainee, at the intervention of the child welfare committee, she was kept in a home.

3.When the matter is taken up for hearing today, the petitioner and the fourth respondent and the detainee appeared through video conferencing from the Public Prosecutor's Office and the detainee wants to go with her father, the petitioner herein. The fourth respondent, the mother of the detainee, has no objection for the petitioner to take the minor daughter, the detainee herein.

4.In the light of the above statement, this habeas corpus petition is allowed and the petitioner is permitted to take the minor Santhi sri.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

skn

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 Commissioner of Police,
Trichy City,
Trichy.
- 2.The Inspector of Police,
Woraiyur Police Station,
Woraiyur,
Trichy City.
- 3.The Chair Person,
Child Welfare Committee,
Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1031 of 2020
30.11.2020

MA (CO)

AP (01/12/2020) 3P 5C