

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No.4018 of 2020

Date: 02.03.2020

Between:

Swapna Dhuduka

... Petitioner

and

The State of Telangana,
Rep. by its Principal Secretary,
Home Department,
Hyderabad, and others.

...Respondents

Counsel for the petitioner : Mr. Omar A Pasha

Counsel for the respondent Nos.1 to 4: Mr. Santosh Kumar,
GP attached to the Office of
the learned Advocate General

The Court made the following:

ORDER: *(per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

Ms. Swapna Dhuduka, the petitioner, has filed this Habeas Corpus Petition *inter alia* on the ground that her two children, the son, Dhruvi, aged seven years, and the daughter, Pranavi, aged five years, are being illegally detained by her brothers, namely Mr. Machagiri, the respondent No.5, and Mr. Gopalakrishna, the respondent No.6.

The learned counsel for the petitioner submits that since the petitioner happens to be the biological mother of both the children, she is their natural guardian. Therefore, her brothers cannot keep the custody of the children with them. Hence, the custody of the children with the respondent Nos.5 and 6 happens to be an illegal one. Thus, the custody of the children needs to be restored to the petitioner immediately.

In compliance of the order dated 26.02.2020, both the children have been produced before this Court by the respondent Nos.5 and 6.

Needless to say that the petitioner would have the right to custody of her two children. Therefore, the respondent Nos.5 and 6 are not justified in keeping the children in their custody. Hence, the Station House Officer, Neredmet Police Station, the respondent No.2, and the respondent Nos.5 and 6 are directed to handover the custody of both the children to the petitioner immediately.

Since the respondent Nos.5 and 6 have an objection to the petitioner having the custody of the children, as they happen to be her children through her first marriage, the Station House Officer, Neredmet Police Station, is directed to provide protection to the petitioner, and to ensure that no untoward incident happens to the petitioner or to her children from the respondent Nos.5 and 6.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

Date: 02.03.2020
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