

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.04.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P.No.777 of 2020

Shakeelah Faisal ... Petitioner

Vs.

1.State rep. by the Inspector
R-5 Virugambakkam Police Station
Chennai 92

2.Syed Faisal Ahmed Bukhari ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the Inspector, R-5 Virugambakkam Police Station to secure and produce the petitioner's children (1) Son named as Syed Zubayr Ahmed Bukhari, 12 years old and (2) Daughter Asma Fadila Sayeda, 9 years old before this Hon'ble Court and hand them over to the custody of the mother i.e. the petitioner herein.

For Petitioner :Mr.Bader Sayeed

For 1st Respondent :Mr.R.Prathap Kumar
Additional Public Prosecutor

For 2nd Respondent :Mrs.Shaik Mehrunisa

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

On 07.07.2020, this Court passed the following order :

"The matter is heard through video-conferencing.

2.The petitioner has come up before this Court alleging that her husband, the 2nd respondent herein had illegally taken her two minor children.

3. When the matter is called today, allegations and counter allegations have been made against each other. However, this Court is not inclined to look into the matter in the interest of children. Since the petitioner/mother has been separated for the past six months, it is appropriate to see that the petitioner/mother is permitted to meet the children and be with them for some time. Therefore, with the consent of both the counsels, the petitioner/mother is directed to visit the 2nd respondent's flat at No.100, Lalitha Illam, Brindavan Avenue, Kayarambedu, Guduvancherry-603 202 on 08.07.2020 and be with the children upto 4.00 p.m. Before the petitioner could visit the premises of the 2nd respondent, the 2nd respondent shall leave their children alone at home and go back and take custody of the children only by 4.00 p.m. In the mean time, there shall not be any interference by the 2nd respondent with the petitioner from 10.00 a.m. to 4.00 p.m. The petitioner is directed not to record any conversation with the children when she is with them. It is warned that both the parties should not create any unruly scene and there should not be any misunderstanding as they are already separated due to mistrust. This order is being passed in an endeavour to see that the family is reunited and this Court hopes that this order would pave a way for the same.

4. Call the matter on 13.07.2020."

2. It appears that the said order has been complied with. The matter is essentially a matrimonial dispute, in which, the petitioner's children are said to be in the custody of their father. Hence, it cannot be stated that per se, there is illegal custody of the two children, warranting issuance of a writ of habeas corpus.

In view of the above, this Habeas Corpus Petition stands closed, with liberty to the parties to work out their remedies before the appropriate forum.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gya

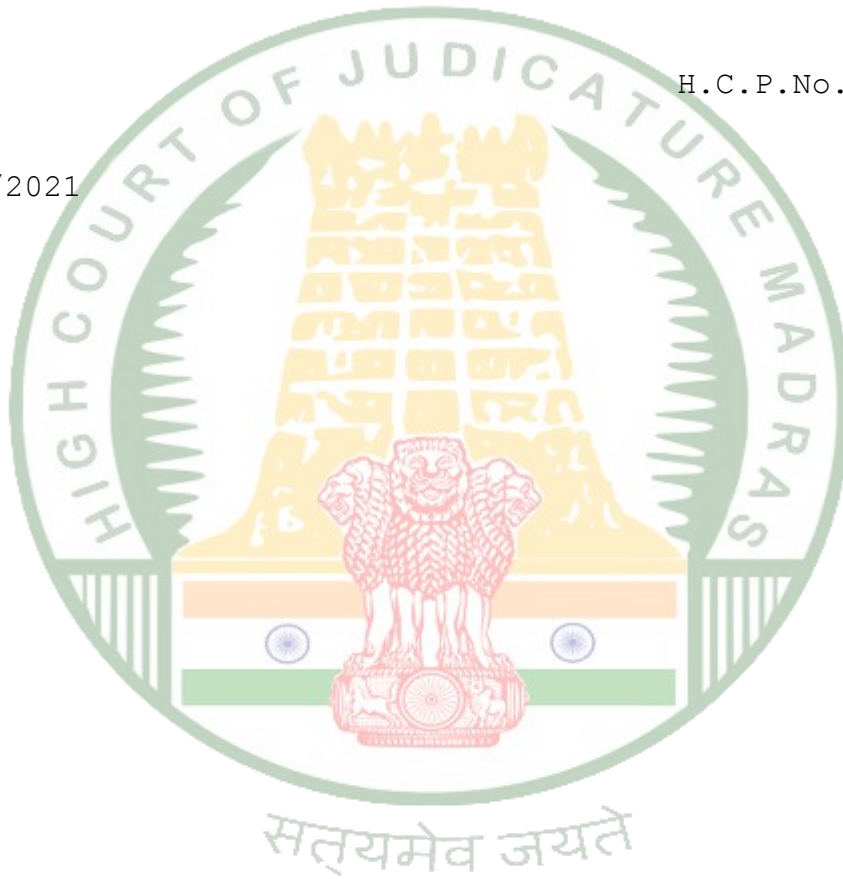
To

1.The Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai 92.

2.The Public Prosecutor,
High Court, Madras.

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