

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH  
and  
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.675 of 2021

V.Radha  
D/o.Venkatesan,  
No.1/16, Ramalingam 2<sup>nd</sup> Cross Street,  
Gandhi Nagar, Avadi,  
Chennai - 600 054. ... Petitioner

Vs.

1.The Commissioner of Police,  
Greater Chennai City,  
Vepery, Chennai-600 007.

2.State represented by  
The Inspector of Police,  
All Women Police Station,  
Avadi, Chennai.

3.U.Lokesh  
No.1/16, Ramalingam 2<sup>nd</sup> Cross Street,  
Gandhi Nagar, Avadi,  
Chennai - 600 054.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2<sup>nd</sup> respondent to produce the petitioner's minor son viz., L.Shravan, aged about 3 years, before this Court, from the custody of the 3<sup>rd</sup> respondent and hand over to the petitioner.

For Petitioner : Mr.C.Peranban

For RR 1 and 2 : Mr.R.Prathap Kumar,  
Addl. Public Prosecutor

For R3 : Mr.S.Sasikumar  
(vakalat not filed)

ORDER

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

This habeas corpus petition has been filed seeking to direct the 2<sup>nd</sup> respondent to produce the petitioner's minor son viz., L.Shravan, aged about 3 years, before this Court, from the custody of the 3<sup>rd</sup> respondent and hand over to the petitioner.

2. It is the case of the petitioner that she got married to Lokesh, third respondent herein, in the year 2016 and was blessed with a male child viz., Shravan on 01.07.2017.

3. According to the petitioner, she was living in a joint family with her husband at Door No.1/16, Ramalingam 2<sup>nd</sup> Cross Street, Gandhi Nagar, Avadi, Chennai - 600 054; however, since she had some misunderstanding with her mother-in-law, she left with her son to her natal home in Tambaram; on 15.04.2021, her husband Lokesh came to Tambaram and took away the child and is not permitting her to see him.

4. On coming to know of this habeas corpus petition, Mr.S.Sasikumar (Enrollment No.952/2002; Mobile No.98410 60385), learned counsel took notice for Lokesh and submitted that the child is with Lokesh happily and it is the petitioner, who had left the matrimonial home on her own accord.

5. Thus, from the above facts, it appears that the dispute is purely a matrimonial one and there is no scope for the issuance of a writ of habeas corpus as prayed for by the petitioner. However, taking into consideration the welfare of the child, we grant permission to the petitioner to stay with the child in the residence of Lokesh, third respondent herein, in Avadi and be with the child on every Saturdays and Sundays. Thereafter, the parties may resolve their dispute before the appropriate Court.

With the above directions, this habeas corpus petition is closed.

Sd/-  
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

nsd

To

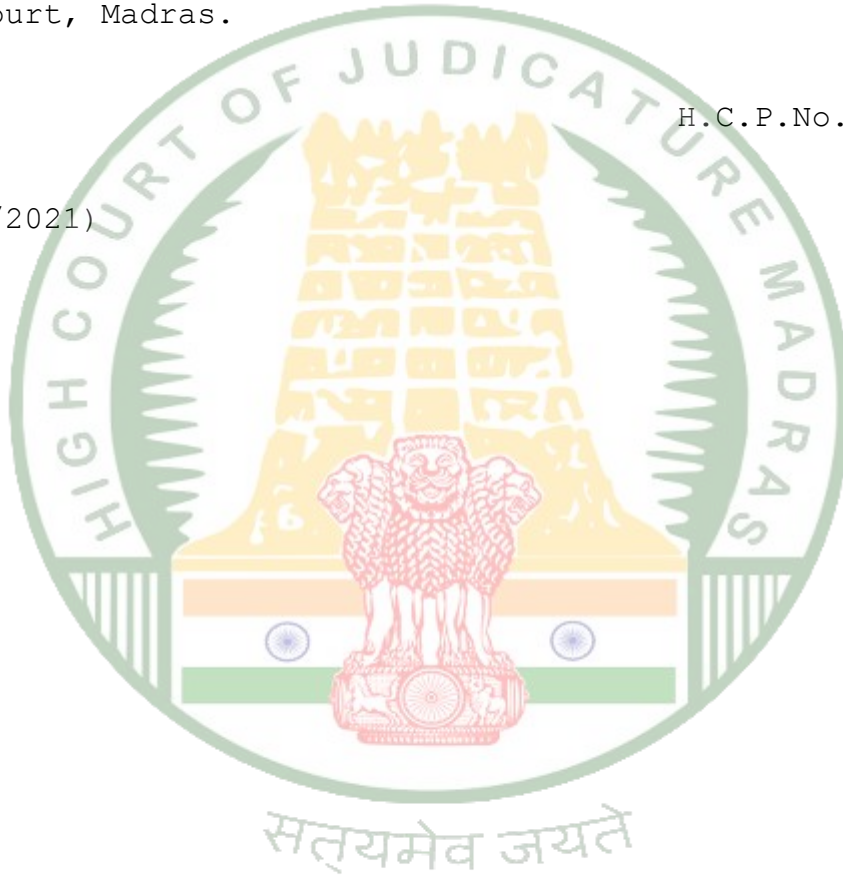
1.The Commissioner of Police,  
Greater Chennai City,  
Vepery, Chennai-600 007.

2.The Inspector of Police,  
All Women Police Station,  
Avadi, Chennai.

3.The Public Prosecutor,  
High Court, Madras.

H.C.P.No.675 of 2021

PL(CO)  
GMY(16/06/2021)



WEB COPY