

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.684 of 2021

Santhiya

.. Petitioner

Vs.

1.The Inspector of Police,
J-5 Police Station,
Besant Nagar,
Chennai - 600 090.

2.Deepak @ Deepan

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents 1 & 2 to produce the body or person of the petitioner's minor children viz., Rakshita, aged about 6 years and Jaikrish, aged about 3 years, and hand over to the petitioner.

For Petitioner : Mr.R.Ramamoorthy

For R1 : Mr.R.Prathap Kumar,
: Addl. Public Prosecutor

ORDER

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

This habeas corpus petition has been filed seeking to direct the respondents 1 & 2 to produce the body or person of the petitioner's minor children viz., Rakshita, aged about 6 years and Jaikrish, aged about 3 years, and hand over to the petitioner.

2. It is the case of the petitioner that her two children Rakshita and Jaikrish, aged about 6 years and 3 years respectively, are in the illegal custody of the second respondent, who is none other than the father of the children.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint dated 08.04.2021 that was sent by the petitioner through post, a petition enquiry was conducted by the Inspector of Police, J-5 Shastri Nagar Police Station; during enquiry, it came to light that the petitioner is the daughter of Selvam and Uma; she got married to the second respondent and was blessed with two children, Rakshita and Jaikrish, who are now 6 years and 3 years, respectively; the petitioner developed intimacy with a person and eloped with him five months ago and her whereabouts were not known; therefore, on the advice of Selvam and Uma, the two children came into the custody of the second respondent.

4. In such view of the matter, we do not find that the children viz., Rakshita and Jaikrish, aged about 6 years and 3 years, respectively, are in the illegal custody of the second respondent for the issuance of a writ of habeas corpus.

In the result, this habeas corpus petition is closed with liberty to the petitioner to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

nsd

To

1.The Inspector of Police,
J-5 Police Station,
Besant Nagar,
Chennai - 600 090.

2.The Public Prosecutor,
High Court, Madras.

H.C.P.No.684 of 2021

RK(CO)
GMY(12/07/2021)