



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.04.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P.No.699 of 2021

K.Deepika

... Petitioner

Vs.

1.The Superintendent of Police
District Police Office
Tiruvarur

2.The Deputy Superintendent of Police
Tiruvarur

3.The Inspector of Police
All Women Police Station
Tiruvarur

4.Kamarajalu

5.Seshaiyan

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to direct the 3rd respondent to produce the petitioner's daughter viz., Yazhini, aged 4½ years and Petitioner son minor Magilan, aged about 1 year 9 months before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.K.M.Subrahmaniam

For R1 to R3 : Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

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

It is the case of the petitioner that she got married to Kamarajalu/R4 and they are blessed with two children viz., Yazhini, aged 4 years and Magilan, aged 1 year and 9 months and on account of marital discord, her husband had forcibly taken away the two children from her custody.



2. In our opinion, the custody of the children with their father per se cannot be said to be illegal, for issuance of a writ of Habeas Corpus. Hence, this petition is closed with liberty to the petitioner to approach the appropriate Court for custody and visitation rights.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
District Police Office,
Tiruvarur.
- 2.The Deputy Superintendent of Police,
Tiruvarur.
- 3.The Inspector of Police,
All Women Police Station,
Tiruvarur.
- 4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.699 of 2021

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srg 19/07/2021