



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

Coram

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

H.C.P.No.1158 of 2021

Nancy Padma Ruby .. Petitioner/Mother

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
No.132, Commissioner Office Building,
E.V.K.Sampath Road, Vepery,
Chennai - 600 007.

2.State represented by
The Inspector of Police,
Pulianthope Police Station,
Chennai.

3.Paul Anand Lourd .. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 1st and 2nd respondents to produce the petitioner's minor child viz., Master Aswelt Cameran Paul, son of Paul Anand Lourd, aged about 9 years, and Master Alocious Cameran Paul, son of Paul Anand Lourd, aged about 5 years, before the Court from the custody of the third respondent and hand over to the petitioner.

For Petitioner : Mr.R.Mohandoss

For RR 1 and 2 : Mr.R.Muniyapparaj
Govt. Advocate (Crl.Side)

ORDER

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

This habeas corpus petition has been filed seeking to direct the 1st and 2nd respondents to produce the petitioner's minor children viz., Master Aswelt Cameran Paul, son of Paul Anand Lourd, aged about 9 years, and Master Alocious Cameran Paul, son



of Paul Anand Lourd, aged about 5 years, before the Court from the custody of the third respondent and hand over to the petitioner.

2. It is the case of the petitioner that she got married to Paul Anand Lourd, third respondent herein, on 23.01.2011 and through the wedlock, she begot two children viz., Aswelt Cameran Paul, aged about 9 years and Alocious Cameran Paul, aged about 5 years. On account of marital discord between the spouses, they got estranged. It is the allegation of the petitioner that the two children are in the illegal custody of the third respondent.

3. Today, T.Thenmozhy (Mobile No.75023 18485), Women Sub-Inspector of Police, P-3, Vyasarpadi Police Station, is present before this Court.

4. It is seen that on a complaint given by the petitioner, a case in Ranipet All Women Police Station Crime No.6 of 2019 was registered on 14.03.2019 for the offences under Sections 406 and 498-A IPC and Section 4 of the Dowry Prohibition Act, 1961 and investigation is pending.

5. It appears that the children are in the custody of the third respondent since 2019.

In such view of the matter, a writ of habeas corpus petition cannot be granted and therefore, this habeas corpus petition stands closed with liberty to the petitioner to approach the jurisdictional Court for custody.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Commissioner of Police,
Office of the Commissioner of Police,
No.132, Commissioner Office Building,
E.V.K.Sampath Road, Vepery,
Chennai - 600 007.

2.The Inspector of Police,
Pulianthope Police Station,
Chennai.



3.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1cc to M/s.T.Hemalatha Narayanan, Advocate, S.R.No.37501

H.C.P.No.1158 of 2021

RGN(CO)
CB(23/08/2021)