

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice V.SIVAGNANAM

H.C.P. No.2075 of 2020

Selvanayagam .. Petitioner /Mother of the minor daughter
Vs.

1.The Commissioner of Police,
Thiruppur City, Thiruppur District.

2.The Inspector of Police,
Thiruppur South Police Station,
Thiruppur District.

3.Arumugam .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondents 1 and 2 to produce the petitioner's minor daughter Praveen, aged about 4 years, from the custody of the third respondent herein, before this Court and hand over the custody to the petitioner.

For Petitioner :	Mr.M.Velmurugan
For RR 1 and 2 :	Mr.R.Prathap Kumar
	Additional Public Prosecutor
For R3 :	Mr.H.Manojin

ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

This habeas corpus petition has been filed seeking to direct the respondents 1 and 2 to produce the petitioner's minor daughter Praveen, aged about 4 years, from the custody of the third respondent herein, before this Court and hand over the custody to the petitioner.

2. It is the case of the petitioner that her daughter Praveen, aged about 4 years, is in the illegal custody of her husband Arumugam, third respondent herein.

3. Today, Mr.K.Kasimayan (Mobile No.94981 80075), Special Sub-Inspector of Police, South Police Station, Tiruppur District, is present.

4. The third respondent has filed a counter affidavit dated 21.02.2021, wherein, in paragraph no.7, it is stated as follows:

"7. I respectfully submit further that, on 26.02.2019 at about 3.00 a.m. the petitioner had left the matrimonial home and on verification, I came to know that this petitioner has went with one Mr.Regupathi, who was working in an Embroidering Compan viz., M/s.Gogul Embroidery Company near our house who is a native of Perambalur District and after having a due search, I gave a complaint against both Selvanayagam and Regupathi before the 2nd respondent on 27.06.2019 and the same is pending as C.S.R.No.203/2019."

Be that as it may, we are of the view that custody of Praveen, aged about 4 years, with her father cannot be said to be illegal prima facie and hence, this habeas corpus petition is dismissed with liberty to the petitioner to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Nsd

To

1.The Commissioner of Police,
Thiruppur City, Thiruppur District.

2.The Inspector of Police,
Thiruppur South Police Station,
Thiruppur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.H.Manojin, Advocate, S.R.No. 10420

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NMI (CO)
GN(15/03/2021)