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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Ms. Justice R.N.MANJULA

H.C.P.No.1201 of 2021

Vijayalakshmi .. Petitioner

Vs.

1.State represented by
The Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
All Women Police Station,
Viruthasalam,
Cuddalore District.

3.Jayalakshmi

4.Sathishkumar .. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent to produce the body of my children viz., Pagalavan, aged about 8 years and Ilanthiriyar, aged about 6 years, before this Court from the illegal custody of the 3rd respondent, to secure and hand over to the petitioner.

For Petitioner : Mr.Deepanuday

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 second respondent to produce the body of my children viz., Pagalavan, aged about 8 years and Ilanthiriyar, aged about 6 years, before this Court from the illegal custody of the 3rd respondent, to secure and hand over to the petitioner.



2. It is the case of the petitioner that she got married to Marimuthu on 21.10.2012 and through the wedlock, she was blessed with two children viz., Pagalavan, aged about 8 years and Ilanthiriyar, aged about 6 years; she was living in a joint family with her mother-in-law as her husband was working in Kuwait; on account of marital discord, she got estranged from her husband; thereafter, her husband died due to heart attack; now the two children are in the illegal custody of her mother-in-law viz., Jayalakshmi, third respondent herein.

3. In our opinion, this is not a case, in which, a writ of habeas corpus petition can be granted, inasmuch as it is always open to the petitioner to approach the appropriate Court seeking custody of her two children.

Hence, this habeas corpus petition stands closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
All Women Police Station,
Viruthasalam,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Deepan Uday, Advocate Sr No.39851

H.C.P.No.1201 of 2021

PL (CO)
PR (03/09/2021)