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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.09.2021

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Ms.JUSTICE R.N.MANJULA

H.C.P.No.1324 of 2021

Biroja Banu

...Petitioner

Vs.

State rep. by
1.The Commissioner of Police
Greater Chennai
Vepery, Chennai

2.The Inspector of Police
All Women Police Station
Thirumangalam, Chennai-40

3.B.Mohammed Mustaq

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the 2nd respondent to secure and produce the petitioner's infant baby namely Mohammed Reyan, S/o.Mohammed Mustaq, aged about 1 year 3 months before this Hon'ble Court and hand over to the petitioner.

For Petitioner	:	Mr.C.Mohammed Aseef
For R1 and R2	:	Mr.R.Muniyapparaj Government Advocate (Crl. Side)
For R3	:	Mrs.Vishnupriya

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 B.Mohammed Mustaq/3rd respondent on 20.06.2019 at Madurai and through the wedlock, they blessed with a child viz., Mohamed



Reyan, who is aged about 1 year and 3 months. While that being so, on account of marital discord, they got estranged. It is the specific case of the petitioner that the 3rd respondent and his family members has snatched away the child and thereafter, the whereabouts of the child is not known. In this connection, on a complaint given by the petitioner, a petition enquiry in C.S.R.No.337/2021 has been registered by the Inspector of Police, All Women Police Station, Thirumangalam, Anna Nagar. Thereafter, the petitioner has filed the present petition.

2. On 31.08.2021, this Court passed the following order :

"Today K.Janaki (Mobile No.9790717005), Sub-Inspector of Police, W-8, All Women Police Station, Thirumangalam, Chennai - 40, is present.

2. The police is directed to produce B.Mohammed Mustaq, third respondent herein, along with the child viz., Mohammed Reyan, aged about 1 year and three months, before this Court on 03.09.2021. The petitioner shall also be present before this Court on 03.09.2021.

Post the matter on 03.09.2021."

3. Today, Ms.V.Bhuvaneswari, Inspector of Police, W-8, All Women Police Station, Thirumangalam, is present before this Court.

4. Mrs.Vishnupriya, learned counsel entered appearance for the 3rd respondent. The 3rd respondent is also present with his family members along with the child. The child is just hardly 1½ years and appears to be breastfeeding child at the time, when he was snatched. Therefore, on our directions, the custody of the child was handed over to the petitioner in the open Court.

5. The 3rd respondent is granted visitation rights to vist the child in the house of the petitioner at Madurai on every Sunday at 10.00 a.m. However, the 3rd respondent cannot take away the child from the custody of the petitioner and if any such thing is done, this Court will take very serious view of the matter. This is purely a temporary arrangement.

6. Mrs.Vishnupriya submitted that the 3rd respondent has filed petitions in the Family Court, Chennai, for restitution of conjugal rights and for custody of the child.

Under such circumstances, the parties may pursue their remedies before the jurisdictional Court. The jurisdictional



Court may alter the order passed by this Court or pass any other order in the paramount interest of the child.

With the above direction and observation, this petition is closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge
Family Court
Chennai
2. The Commissioner of Police
Greater Chennai
Vepery, Chennai
3. The Inspector of Police
All Women Police Station
Thirumangalam, Chennai-40
4. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1324 of 2021

RSI(CO)
LS(15/09/2021)