

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No. 2325 of 2020

U.Kavitha

.. Petitioner

Vs.

1.The Commissioner of Police,
Chennai City.

2.The Inspector of Police,
All Women Police Station,Avadi,
Chennai - 600 054.

3.The Inspector of Police,
Pattabiram Police Station,
Chennai - 600 072.

4.J.Andrews

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing respondents to produce the detainee namely A.Drisha, D/o.Andrews and U.Kavitha aged about 5 years and 11 months or her body before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.V.Rajesh Babu

For RR 1 to 3 : Mr.R.Prathap Kumar,
Addl.Public Prosecutor

For R4 : Mrs.Nalini,
for M/s.Majestic Law Firm

ORDER

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

This habeas corpus petition has been filed seeking to direct the respondents 1 to 3 to produce the detainee namely A.Drisha, D/o.Andrews and U.Kavitha aged about 5 years and 11 months or her body before this Court and hand over the custody

to the petitioner.

2. Today, Ms.R.Renuka Devi (Mobile No.9498134356), Women Grade-I 38978, All Women Police Station, Avadi, Chennai - 600 054, is present.

3. It is seen that the dispute is essentially between the spouses for the custody of their children. It is alleged that the father is having the illegal custody of his two children and he is not allowing the petitioner to even see them.

4. On the direction of this court, the fourth respondent produced the two children Laksheeth and Drishya before this Court and the petitioner is also present. The petitioner is permitted to be with the children at the Mediation Centre till 4.30 p.m. today. Thereafter, it is left to the parties to work out their remedies before the appropriate Court, since per se the custody of the children with the father cannot be said to be illegal.

5. It is represented that the husband/4th respondent has filed G.W.O.P.No.131 of 2020 before the Principal District Court, Thiruvallur. It is open to the wife/petitioner to file an emergent application for interim custody/visitation rights and on such application being filed, the learned Principal District Judge, Thiruvallur, is directed to pass orders thereon, expeditiously.

With the above directions, this habeas corpus petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/nsd

To

- 1.The Principal District Judge,
Thiruvallur.
- 2.The Commissioner of Police,
Chennai City.
- 3.The Inspector of Police,
All Women Police Station,Avadi,
Chennai - 600 054.

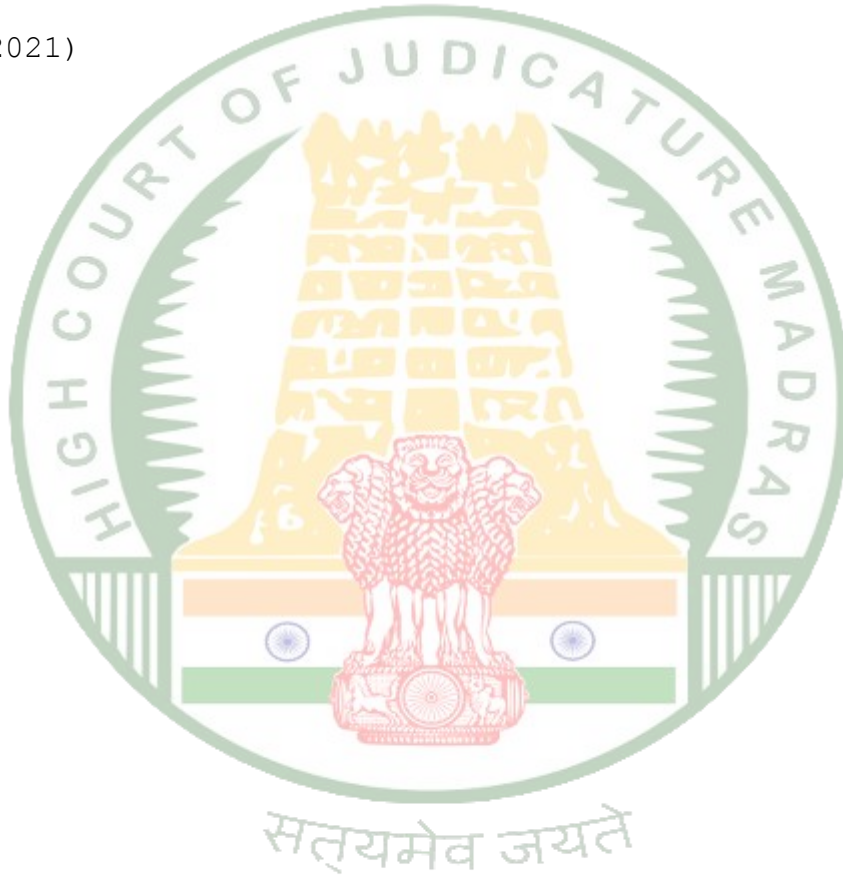
4.The Inspector of Police,
Pattabiram Police Station,
Chennai - 600 072.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Rajeshbabu, Advocate, S.R.No. 475

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JP (CO)
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