

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2021

Coram

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

H.C.P. No. 2515 of 2020

Divya

.. Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 7.

2.The Inspector of Police,
W16, Pulianthope All Women Police Station,
Chennai - 12.

3.Kiruba Shankar

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the second respondent to produce the children by name 1.Devaharini, aged about 4 years and 2.Sriharish, aged about 3 years and hand over them to the custody of the petitioner.

For Petitioner :Mr.R.Ravindra Ram

For Respondents:Mr.R.Prathap Kumar,

Addl. Public Prosecutor for R1 & R2

ORDER

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

Seeking a direction to the second respondent to produce the children Devaharini, aged about 4 years and Sriharish, aged about 3 years and hand over them to the custody of the petitioner, the present habeas corpus petition has been filed.

2.It is the case of the petitioner that she got married to the third respondent and is blessed with two children Devaharini and Sriharish. It is her allegation that on account of matrimonial discord, she got estranged from her husband and that

both the children are being kept by her husband, denying her even the right to see them. Therefore, she has filed the present habeas corpus petition.

3.Today Ms.P.Latha, Head Constable, W16 All Women Police Station, Pulianthope, Chennai is present. On direction of this Court, the third respondent appeared and produced the two children.

4.During enquiry, we found that Devaharini naturally went to the petitioner and hugged her. The fact remains that the petitioner is the mother. The petitioner stated that the custody of Devaharini may atleast be given to her and that she will bring up her by providing her good education and comforts.

5.We are of the view that interest of justice will be served if the custody of Devaharini is given to the petitioner and the custody of Sriharish shall be with the third respondent. It is always open to the third respondent to visit Devaharini in the house of the petitioner on Saturdays and Sundays but he cannot take her away. Similarly, the petitioner can visit Sriharish in the house of the third respondent in the week ends. This is purely a temporary arrangement and if either party feels that the children are not being brought up properly, it is open to them to move the District Court for guardianship and custody in accordance with law.

6.with the above direction, the habeas corpus petition stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 7.

2.The Inspector of Police,
W16, Pulianthope All Women Police Station,
Chennai - 12.

3.The Public Prosecutor,
High Court, Madras.

Copy to
Kiruba Shankar,
S/o.Murugan,
No.2-256,Thatchur Road,
Panchetty - 601 204.

+1 cc to M/s.R.Ravindra ram, Advocate Sr.No. 5016

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PA (CO)
RMP (17/02/2021)



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