

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

Coram

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

H.C.P. No. 2284 of 2020

M.Jayasri

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruvarur District.

2.The Inspector of Police,
Koothanallur Police Station,
Tiruvarur District.

3.M.Vinosundar

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondents to produce the petitioner's minor child Ms.Jeswanthini, D/o.Jayasri, aged about 5 years, from the custody of the third respondent before this Court and hand over to the petitioner.

For Petitioner : Mr.K.Pragadeesh Kumar

For Respondents: Mr.R.Prathap Kumar
Addl. Public Prosecutor
for R1 and R2
Mr.Swami Subramanian for R3

ORDER

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

Seeking a direction to the respondents to produce the petitioner's minor child Jeswanthini, aged about 5 years, from the custody of the third respondent before this Court and to hand over her to 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, through him, she has two children, Jeswanthini, aged about 4 years and Diya, aged about 2 1/2 years; that she got estranged from her husband, that her husband is illegally retaining her first child Jeswanthini.

3.Today, Mr.K.Kamaraj, Special Sub Inspector of Police, B5 Koothanallur Police Station, Thiruvarur District and Ms.S.Kalai Selvi, Head Constable, Koothanallur Police Station, Thiruvarur District are present. Today, the petitioner, third respondent and Jeswanthini are also present.

4.It appears that Jeswanthini is being brought up by the third respondent for the last two years since the petitioner was employed in Coimbatore. However, the second child Diya is with the petitioner. During enquiry, we find that Jeswanthini was not willing to go with the petitioner. However, the third respondent clearly stated that he would permit the petitioner to visit the child whenever she wants. The third respondent also offered to take the child to Thiruvarur and show her to the petitioner.

5.With the above observation, this habeas corpus petition stands closed. It is open to the parties to approach the appropriate Court seeking guardianship and custody of the child, if so advised.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruvarur District.
- 2.The Inspector of Police,
Koothanallur Police Station,
Tiruvarur District.
- 3.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 2284 of 2020

RGN[CO]
SRG 16/03/2021