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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.11.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.NO.1579 OF 2021

R.Krishnakumar, S/o.C.Raman
rep. by his father and
Power Agent C.Raman

...Petitioner

Vs.

1.The Commissioner of Police
O/o.The Commissioner of Police
Vepery, Chennai-7

2.The Inspector of Police
P-5 Police Station
MKB Nagar, Chennai-38

3.K.Rukmani Priya

...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 minor granddaughter (i) K.Preethi Lakshmi, aged about 15 years and minor grandson (ii) K.Mukund Aakash, aged about 10 years, before this Court and handover to the custody of the petitioner.

For Petitioner	:	Mr.S.Sadasharam
For R1 and R2	:	Mr.R.Muniyapparaj Additional Public Prosecutor
For R3	:	Mr.P.G.Santhosh Kumar

O R D E R
[made by P.N.PRAKASH, J.]

The petitioner in this case is one Krishnakumar, who is at present in Singapore and therefore, he is being represented by his father Raman.

2. Krishnakumar got married to Rukmani Priya on 01.02.2004 in Salem and they are blessed with two children viz., Preethi



Lakshmi (date of birth 31.08.2006) and Mukund Aakash (date of birth 26.02.2011). Krishnakumar went to Singapore for work and had left his wife and two children in his parents-in-law's house in Salem.

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3. It is stated that Rukmani Priya and the two children also went to Singapore and lived with Krishnakumar from March 2013 to April 2014; in April 2014, she left for India with the two children and was living with her mother in Salem in door No.179/27-A, TVS Colony Main Road, Meenakshi Nagar, Salem-8; thereafter, they appear to have shifted their house to No.5/2-C, First Cross Street, TVS Colony Main Road, Salem-7 and the two children were studying in Sri Seshaas International Public School, Salem.

4. While that being so, it is alleged that Rukmani Priya left the house along with the two children and had taken with her two fixed deposit receipts for Rs.25,00,000/- and Rs.20,00,000/-, apart from 50 sovereigns of gold which Krishnakumar had purchased. For the reasons best known to Rukmani Priya, she left Salem without even informing her mother and Krishnakumar and thereafter, the whereabouts of Rukmani Priya and her two children were not known to anyone.

5. Hence, Rukmani Priya's mother Seethalakshmi lodged a complaint, based on which, a case in Hasthampatty P.S.Crime No.169 of 2021 was registered on 09.07.2021 for 'woman, girl and boy missing'. While that being so, Krishnakumar has filed the present petition through his father Raman for production of Preethi Lakshmi and Mukund Aakash.

6. On notice, Rukmani Priya appeared before us with her two children and she is represented by her counsel Mr.P.G.Santhosh Kumar. Krishnakumar also appeared from Singapore via video conferencing.

7. When we enquired Rukmani Priya, she stated that on account of marital discord, she got separated from Krishnakumar and has filed divorce proceedings in H.M.O.P.No.2064 of 2021 in the Family Court, Chennai and the same is pending. She also stated that she is at present residing in No.40, 13th Cross Street, MKB Nagar, Vyasarpadi, Chennai 600 038 and that her mobile number is 77082 88555. When we enquired the children, they stated that they are now studying in 10th and 5th standard respectively in Padmaprakash Matriculation School, Kodungaiyur. The children were permitted to interact with Krishnakumar via video conferencing.

In such view of the matter, we do not find that the children are in the illegal custody of anyone for the issuance of a writ



of habeas corpus. Hence, this petition is closed with liberty to the parties to work out their remedies in the manner known to law.

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Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Police
O/o.The Commissioner of Police
Vepery, Chennai-7
- 2.The Inspector of Police
P-5 Police Station
MKB Nagar, Chennai-38
- 3.The Public Prosecutor
High Court, Madras

H.C.P.No.1579 of 2021

GPL (CO)
RVM(03/12/2021)