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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM

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

H.C.P.NO.1490 OF 2021

T.Boopathi

.. Petitioner

.Vs.

1. The Superintendent of Police,
Thirupathur District,
Thirupathur.

2. The Inspector of Police,
Jolarpettai Police Station,
Thirupathur District.

3. Anbu @ Karikadai Anbu

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent to secure and produce the petitioner's minor daughter Lahitha Sri, aged 2 ½ years, daughter of T.Boopathi and hand over her to the petitioner.

For Petitioner : Mr.R.Balakrishnan

For RR 1 and 2 : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

For R3 : Mr.S.V.Karthikeyan

ORDER

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

This habeas corpus petition has been filed seeking to direct the 2nd respondent to secure and produce the petitioner's minor daughter Lahitha Sri, aged 2 ½ years, daughter of T.Boopathi and hand over her to the petitioner.



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2. On 20.10.2021, this Court passed the following order:

"This petition has been filed seeking a direction to the second respondent to secure and produce the petitioner's minor daughter Lahitha Sri, aged 2½ years and hand over her to the petitioner.

2. It is the case of the petitioner that he got married to Ponmani and they were blessed with three children viz., (i) Keerthikeyasan (ii) Kamaleswaran and (iii) Lahitha Sri. The petitioner is working as a Constable in Indo Tibetan Border Police Force. While that being so, when the petitioner was on duty in the Indian borders, his wife came to her natal home on 27.02.2020 and 29.02.2020 and she committed suicide. It was informed to the petitioner that his wife died of stomach ache. According to the petitioner, his three children were with his wife in her natal home, but, his parents-in-law had handed over only the two sons and not the daughter. The petitioner also admitted that after the passing away of his wife, in order to take care of his children, he has remarried one Suguna. Under such circumstances, the petitioner has filed the present petition seeking custody of his daughter.

3. On our directions, today, the third respondent/grand father of the child brought the child to the Court. The petitioner is also present with his two sons and his newly wedded wife Suguna.

4. On seeing the siblings, the detainee/child naturally went to them. We handed over the detainee/child to the petitioner. However, the third respondent and his wife stated that they are bringing up the detainee/child for the last 2½ years and the separation of the detainee/child from them would cause great agony.

5. We permit the third respondent and his wife to have unlimited access to the children and the petitioner shall not inhibit the same. It is always open to the third respondent to file an application for guardianship, if so advised.



For further proceedings, adjourned to
17.11.2021."

In the light of the above, nothing survives in this
habeas corpus petition and the same is hereby closed.

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Superintendent of Police,
Thirupathur District,
Thirupathur.
2. The Inspector of Police,
Jolarpettai Police Station,
Thirupathur District.
3. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1490 of 2021

RSV(CO)
CS/30/11/2021