

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2021

Coram

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

H.C.P. No. 2451 of 2020

1.Jacqueline

2.P.Bhaguni ... Petitioners

Vs.

1. The Commissioner of Police,
Greater Chennai,
No.132, Commissioner Office Building,
E.V.K.Sampath Road,
Vepery, Chennai - 07.
2. The Inspector of Police,
W-28, All Women Police Station,
Ambattur, Chennai - 53.
3. The Chairman,
The Tamilnadu State Commission of
Protection of Child,
No.183/1, E.V.R. Periyar Salai,
Poonamallee High Road,
Dossapuram, Kilpauk,
Chennai - 600 010.

4.Prince

सत्यमेव जयते .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the 2nd respondent to produce the 1st petitioner's child namely Veronica Sharon Shine, 4 years (minor) before this Court from the illegal custody of 4th respondent and hand over to the 2nd petitioner until the 1st petitioner come over to India.

For Petitioners	..	Mr.A.R.Nixon
For Respondents	..	Mr.R.Prathap Kumar
		Addl. Public Prosecutor
		for R1 to R3
		No appearance for R4

ORDER

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

Seeking a direction to the second respondent to produce the first petitioner's child namely Veronica Sharon Shine, aged 4 years before this Court, from the illegal custody of fourth respondent and to hand over her to the second petitioner until the first petitioner come over to India, the present habeas corpus petition has been filed.

2. It is the case of the first petitioner that she got married to one Lakshmanan and got estranged from him. She developed intimacy with Prince/fourth respondent herein in the year 2015 and had live-in relationship with him.

3. She begot a girl child Veronica Sharon Shine through the fourth respondent on 21.12.2016. While so, she went on employment to Saudi Arabia leaving behind the child with the fourth respondent. The fourth respondent is not even showing the child Veronica Sharon Shine through video call and, therefore, the present habeas corpus petition has been filed for a direction to secure the child and hand over the custody of her to her mother P.Bhaguni(second petitioner).

4. On the directions of this Court, the fourth respondent produced the child and stated that the child was born to the first petitioner through him and that he is living with his parents in D.No.76, Ayanampakkam Main Road, Krishna Salai, ICF Colony, Chennai - 58. He further stated that the first petitioner shall at any time call him over video call and speak to child.

5. In the opinion of this Court, it cannot be stated that the child is in the illegal custody of the fourth respondent and the habeas corpus petition stands closed with liberty to the petitioner to work out the remedy in the manner known to law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssm

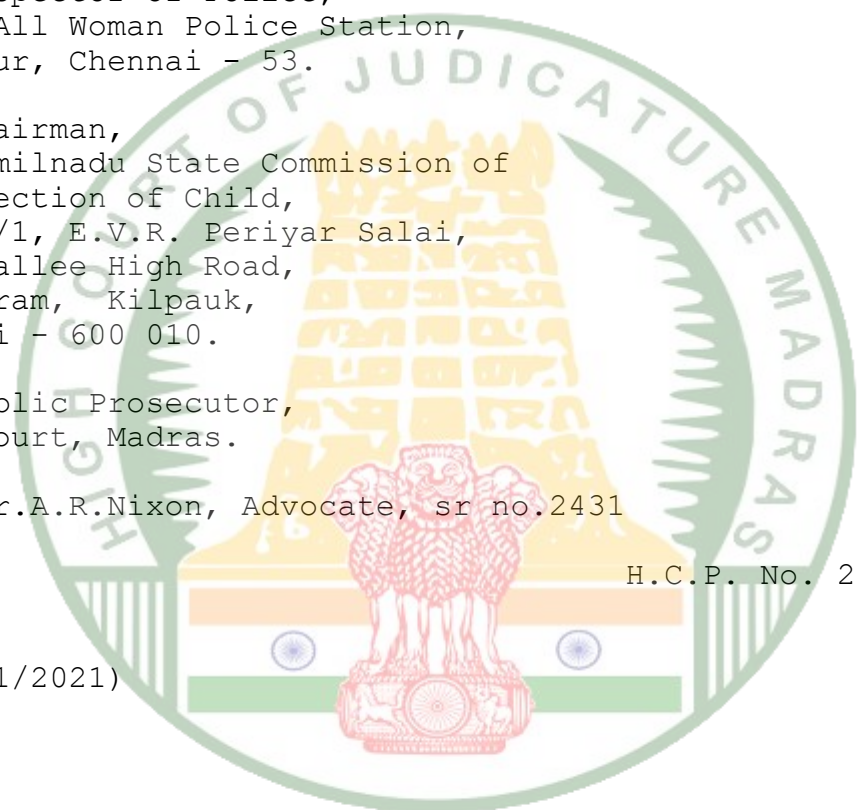
To

1. The Commissioner of Police,
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Poonamallee High Road,
Dossapuram, Kilpauk,
Chennai - 600 010.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.R.Nixon, Advocate, sr no.2431

H.C.P. No. 2451 of 2020

SSV(CO)
RMP(29/01/2021)

The seal of the High Court of Judicature Madras is a circular emblem. It features a central illustration of the Lion Capital of Ashoka, which is a four-lion capital carved from a single block of dark soapstone. The lions are standing back to back on a high, square abacus. The abacus is decorated with a frieze of animals in high relief. The entire emblem is set against a background of a green and white striped field, with a blue wheel (Chakras) on either side of the central emblem. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a circular border around the central emblem. Below the emblem, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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