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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

H.C.P.NO.1680 OF 2021

J.Baskar

.. Petitioner/Father of the Detenue

Vs.

1.The Superintendent of Police
O/o.The Superintendent of Police
Thirupathur Taluk
Thirupathur District

2.The Inspector of Police
Jolarpet Police Station
Jolarpet
Thirupathur District

3.A.Ashokan

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents 1 and 2 to produce the detenus viz., Minor Sai Sharan, aged about 11 years, S/o.J.Baskar and Haswath, aged about 7 years, S/o.J.Baskar, before this Court, who are under the illegal custody of the 3rd respondent herein and handed over them to the petitioner.

For Petitioner : Mr.M.Purushothaman

For R1 and R2 : Mr.R.Muniyapparaj
Additional Public Prosecutor



O R D E R

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

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It is the case of the petitioner that she got married to Mamtha, daughter of the 3rd respondent, on 30.08.2009 and through the wedlock, he is blessed with two children viz., Sai Sharan, aged about 11 years and Haswath, aged about 7 years; he had gone to Chandigarh for his fruits import business and at that time, Mamtha had gone to her natal home, where she is said to have committed suicide on 21.08.2021, as she was suffering from serious illness. Alleging that the 3rd respondent is not handing over the children to him, he has filed the present petition.

2. On 22.10.2021, we passed the following order :

“Mr.R.Muniyapparaj, learned Additional Public Prosecutor takes notice for the respondents 1 and 2.

2.Private notice to the 3rd respondent returnable by 26.10.2021.

3.The 2nd respondent/police is directed to produce Ashokan, 3rd respondent herein and two children viz., Sai Sharan, aged about 11 years and Haswath, aged about 7 years, before this Court on 26.10.2021. The petitioner shall also be present before this Court on 26.10.2021. Post on 26.10.2021.”

3. Today, when the matter was taken up for hearing, the learned counsel for the petitioner filed a memo dated 26.10.2021, wherein, it is stated as follows :

“It is humbly submitted that on 24.10.2021, the 3rd respondent had handed over the children/detenus to the petitioner in the presence of the 2nd respondent. Since then the children/detenus are in my safe custody as father.



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Since the children had been handed over to me, this Hon'ble Court may be pleased to close the above Habeas Corpus Petition and thus render justice."

The petitioner and the two children are also present before this Court.

In view of the above, this habeas corpus petition is closed.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

gya

To

1. The Superintendent of Police
O/o.The Superintendent of Police
Thirupathur Taluk
Thirupathur District
2. The Inspector of Police
Jolarpet Police Station
Jolarpet, Thirupathur District
3. The Public Prosecutor
High Court, Madras.

+1cc to M/s.M.Purushothaman, Advocate, S.R.No.55786

H.C.P.No.1680 of 2021

RR(CO)
RLP(12/11/2021)