



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM

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

H.C.P.NO.1816 OF 2021

Banumathi

.. Petitioner/
Mother of the detainees

Vs.

1. The Superintendent of Police,
Salem City,
Salem.
2. State represented by
The Inspector of Police,
Ammapettai Police Station,
Salem - 636 003.
3. Sabari

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the petitioner's daughter viz., Aayilka, aged about 8 years and Aayilpirai, aged about 5 years, who are illegally detained by the respondent no.3 before this Court.

For Petitioner : Mr.P.Pugazhenth
for Ms.S.Nadhiya
For RR 1 and 2 : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

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

This habeas corpus petition has been filed seeking to direct the respondents to produce the petitioner's daughters viz., Aayilka, aged about 8 years and Aayilpirai, aged about 5 years, who are illegally detained by the 3rd respondent, before this Court and hand over them to the petitioner.



2. It is the case of the petitioner that she is a deaf and dumb and she got married to the respondent on 20.02.2013; through the wedlock, she has two children viz., Aayilka, aged about 8 years and Aayilpirai, aged about 5 years. It is the grievance of the petitioner that on 25.06.2021, she was sent out of her matrimonial house and her husband is not permitting her to visit her daughters. On these allegations, this habeas corpus petition has been filed.

3. Heard Mr.P.Pugazhenth, learned counsel representing Ms.S.Nadhiya, learned counsel on record for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

4. The Inspector of Police, All Women Police Station, Ammapettai Police Station, Salem District, appeared before this Court via video conferencing. Sabari was also present.

5. On enquiry, Sabari stated that proceedings before the Family Court, Salem, in F.C.(Slm).O.P.No.344 of 2021 has been initiated, in which, during the mediation proceedings, the petitioner was permitted access to the children. It was also represented that the matter is posted on 17.11.2021 for the next hearing before the Family Court, Salem.

Recording the same, this habeas corpus petition is closed with liberty to the petitioner to take part in the proceedings before the Family Court, Salem and ventilate her grievance in accordance with law.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Superintendent of Police,
Salem City, Salem.
2. The Inspector of Police,
Ammapettai Police Station,
Salem - 636 003.
3. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1816 of 2021

AK-II(CO)

RLP(01/12/2021)