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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

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

H.C.P.No.2055 of 2021

P.Senthil Kumar  
S/o.Late V.Pakkiri

..Petitioner

Vs.

1. The Deputy Commissioner of Police,  
Butt Road, Nazarethpuram,  
Gandhi Nagar, St.Thomas Mount,  
Chennai - 600 039.
2. The Assistant Commissioner of Police,  
St.Thomas Mount Police Station,  
M.K.N. Road,  
Alandur, Chennai - 600 016.
3. The Inspector of Police,  
S1, St.Thomas Mount Police Station,  
M.K.N.Road,  
Alandur, Chennai - 600 016.
4. The Inspector of Police,  
S-4, Nandambakkam Police Station,  
23, Mount - Poonamallee Road,  
IDPL Colony,  
Nandambakkam, Chennai - 600 089.

5.P.Tamilselvi  
[Fifth respondent suo motu impleaded  
as per order dated 13.12.2021]

..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondents 1 to 4 to cause production of petitioner's daughter viz., S.T.Ragavi d/o.P.Senthil Kumar, aged about 7 years, before this Court and hand over to the petitioner.



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For Petitioner : Mr.R.Kalyan Kishen Singh

For Respondents: Mr.R.Muniyapparaj

Additional Public Prosecutor[R1 to R4]

Mr.C.V.Kumar [R5]

#### O R D E R

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

This petition has been filed seeking a direction to the respondents 1 to 4 to cause production of petitioner's daughter viz., S.T.Ragavi d/o.P.Senthil Kumar, aged about 7 years, before this Court and hand over to the petitioner.

2. It is the case of the petitioner that he got married to Tamilselvi and through the wedlock, he has a child Ragavi, who was born on 30.08.2014. On account of marital discord, the couple got estranged and therefore, the petitioner filed H.M.O.P.No.19 of 2015 before the Subordinate Court, Tambaram, seeking divorce. The petitioner also filed I.A.No.54 of 2018 in the said petition for visitation rights, which was granted by the trial Court vide order dated 25.10.2018 permitting the petitioner to visit Ragavi on all Sundays. Challenging the said order, Tamilselvi (fifth respondent) filed C.R.P.(PD) No.1080 of 2020 before this Court, which was dismissed on 20.11.2020. In the mean while, the case in H.M.O.P.No.19 of 2015 was transferred from the file of Subordinate Court, Tambaram, to Sub Court, Alandur and divorce was granted on 20.10.2021. Alleging that the petitioner does not know the whereabouts of his daughter Ragavi, the present petition has been filed.

3. On 13.12.2021, we passed the following order:

'Today Vijayakumar (Mobile No.9976679824), Inspector of Police, S-4, Nandambakkam Police Station, Chennai, is present.

2. When the matter was taken up for hearing, Mr.C.V.Kumar, learned counsel entered appearance before this Court via video conferencing for and on behalf of Tamilselvi, who is the wife of the petitioner and submitted that in all fairness, the petitioner should have made Tamilselvi as a party, but, this petition has been filed making only the police as parties.

3. We agree with the submission of Mr.C.V.Kumar, learned counsel for Tamilselvi.

4. Therefore, we suo motu implead Tamilselvi as the fifth respondent and direct her to be present



along with the child Ragavi, aged about 7 years, before this Court on 14.12.2021 at 2.30 p.m. The petitioner shall also be present before this Court on that day.

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Post the matter on 14.12.2021.'

4. Today, Mr.Vijayakumar, Inspector of Police and Ms.Latha, Sub-Inspector of Police, S4 Law & Order Police Station, Nandampakkam, Chennai, [Mobile No.94981 31544] are present. Tamilselvi (fifth respondent) was also present along with the child Raghavi. Tamilselvi has given the present address where Raghavi is now and the same is as follows:2/100, Elumalai Street (6th street), Nanmangalam, Chennai - 600 117 [Mobile No.90031 44959].

5. We permitted the petitioner to be in the company of Raghavi in the mediation room.

6. This is not a case where the child Raghavi is in the illegal detention of Tamilselvi for issuance of a Writ of Habeas Corpus.

Accordingly, this Habeas Corpus Petition is closed with liberty to the parties to work out their remedies in the manner known to law.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Deputy Commissioner of Police,  
Butt Road, Nazarethpuram,  
Gandhi Nagar,  
St.Thomas Mount, Chennai - 600 039.
2. The Assistant Commissioner of Police,  
St.Thomas Mount Police Station,  
M.K.N. Road,  
Alandur, Chennai - 600 016.



3. The Inspector of Police,  
S1, St.Thomas Mount Police Station,  
M.K.N.Road,  
Alandur, Chennai - 600 016.

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4. The Inspector of Police,  
S-4, Nandambakkam Police Station,  
23, Mount - Poonamallee Road,  
IDPL Colony,  
Nandambakkam, Chennai - 600 089.

5. The Public Prosecutor  
High Court, Madras.

H.C.P.No.2055 of 2021

SMI (CO)  
RGA (29/12/2021)