



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.368 of 2021

WEB COPY

Sudha

... Petitioner/mother of detenu

-vs-

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

2.The Deputy Superintendent of Police,
Vedachandhur,
Dindigul District.

3.The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.

4.Nagarajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents 1 to 3 to produce the person or bodies of the petitioner's minor children/the detenu namely Srither, 11 years old and her daughter namely Pooja, 8 years old before this Court and hand over their custody to the petitioner.

For Petitioner	:	Mr.R.Maheswaran
For R1 to R3	:	Mr.K.Dinesh Babu
		Additional Public Prosecutor
For R4	:	Mr.J.Lawrance

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This habeas corpus petition has been filed for a direction to the respondents 1 to 3 to produce the petitioner's children, namely, Srither, 11 years old and Poojaa, 8 years old before this Court and handed over their custody to the petitioner.

2. We have heard Mr.R.Maheswaran, learned counsel appearing for the petitioner, Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 to 3 and Mr.J.Lawrance, learned counsel appearing for the fourth respondent and perused the



materials available on record.

3. The petitioner would state that she is the wife of the fourth respondent and their marriage was solemnized on 18.02.2008 and from the marriage, they are blessed with two children, who are the detainees herein. This petition has been filed on the allegations that the detainees were taken by force by the fourth respondent in December, 2019. Though a complaint was given with the official respondents, no action was taken and hence, the present habeas corpus petition has been filed.

4. When the matter was taken up for hearing today, the fourth respondent along with the detainees appeared before this Court through Video Conferencing from United Kingdom. On enquiry, the fourth respondent stated that he married the petitioner about 13 years back and they were also living happily, however, for the past 3 years, there is no cordial relationship between them in view of the involvement of the fourth respondent's brother in a criminal case. He further stated that both children were studying in United Kingdom. The petitioner took them to India and lived for one year. Subsequently, even though the petitioner initially agreed to return back to UK, but she later refused, hence, he left to UK on 04.01.2021 along with detainees. It appears that both the detainees are now comfortable with their father, the fourth respondent herein.

5. In the light of the above facts, we find no merits in the habeas corpus petition and hence, this petition is dismissed as devoid of merits. However, there is no order as to cost.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

(ii) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

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



2.The Deputy Superintendent of Police,
Vedachandhur,
Dindigul District.

3.The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-13739[F] dated 25/03/2021)

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-13829[F] dated 26/03/2021)

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25.03.2021

NA (CO)
KB(22.04.2021) 3P 7C