



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Monday, the Sixth day of September Two Thousand Twenty One
PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

AND

The Hon`ble Mrs.Justice J.NISHA BANU

HCP(MD) . No.1196 of 2021

S.Muthumari

... Petitioner/Mother of Detenue

Vs

1.The Superintendent of Police,
Virudhunagar Diistrct,
Virudhunagar.

2.The Deputy Superintendent Of Police,Sattur,
Virudhunagar District.

3.Inspector of Police
Elayirumpannai Police Station,
Virudhunagar District.

4. Ponnuthai

... Respondents

Prayer :-

This Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court, to direction in the nature of Writ of Habeas Corpus to direct the R1 to R3 secure the petitioner's sons Sudharsan (5/2021) and Surya (2/2021), S/o. (Late) Shanmugam and to produce the detenue's body or by person before this Hon`ble Court and hand over the custody to the petitioner.

ORDER:- This Habeas Corpus Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.N.Mariappan, Advocate for the Petitioner and Mr.S.Ravi, Counsel for the Government of Tamil Nadu on behalf of Respondents 1 to 3 and Mr.S.Vishnuvardhan for the forth respondent this Court made the following order:

The Habeas Corpus Petition has been filed by the mother, alleging that her minor sons, namely, Sudharsan, aged 5 years and Surya, aged 2 years have been taken away by the fourth respondent, who is the mother of the petitioner's husband, and kept them in her illegal custody.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The petitioner is a widow and she lost her husband 10 months ago. After that, according to the petitioner, due to some domestic issue she left the matrimonial home and went to the parental house along with the two children, two months ago, the fourth respondent took the minor children in her absence and kept them in her custody.

3.Today, when the matter was taken up for hearing, the petitioner and the fourth respondent along with the children are present before this Court. The fourth respondent would submit that after the death of her son, the petitioner left the matrimonial house leaving the children and right from that day, she is taking care of the minor children and she will look after the children very well. The petitioner would submit that due to some unexplainable reasons, she was not able to live in the matrimonial house and she will take care of the children very well.

4.Admittedly, the petitioner is the mother and natural guardian of the minor children and hence, the minor children are to be in the custody of the petitioner/mother. However, considering the apprehensions expressed by the fourth respondent/grand mother against the petitioner and in order to monitor the well being of the children we are not proposed to close this Habeas Petition and the same is kept pending to see that the petitioner is looking after the children well.

5.Considering the facts and circumstances of the case, the fourth respondent is directed to hand over the custody of the minor detainees to the petitioner forthwith. The matter is adjourned to 01.11.2021. On that day, the fourth respondent and the petitioner along with the minor detainees shall present before this Court.

Post the matter on 01.11.2021.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

To

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



2. The Deputy Superintendent Of Police, Sattur,
Virudhunagar District.

3. Inspector of Police Elayirumpannai Police Station,
Virudhunagar District.

Copy to

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

2. Ponnuthai, W/o. Ganesan
Door No. 3A/119 Kamaraj Nagar West
Mappillaiyurani Village
Tuticorin District

3. S. Muthumari, W/o. (Late) Shanmugam, D/o. Murugan,
No. 9/327, South Street, Pandiyapuram Road,
Elayirumpannai Post, Vembakottai Taluk,
Virudhunagar District.

ORDER DATED : 06/09/2021

HEARING DATE : 01/11/2021

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Order

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HCP(MD). No.1196 of 2021

RK (14.09.2021) 3P 7C