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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.NO.468 OF 2022

Vivekanand Sankar

S/o.J.Sankar

.. Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai.

2. The Inspector of Police,
W-20 All Women Police Station,
Saidapet.

3. Priyadharshini Rajasekaran
D/o.G.Rajasekaran

4. G.Rajasekaran
S/o.Ganesan Mudaliar

5. Saroja Rajasekaran
W/o.G.Rajasekaran

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to direct the second respondent to produce the petitioner's minor child Vinaya Sankar Female (aged 9 years) and Iniya Sankar Female (aged 5 years) before this Court from the custody of respondents 3 to 5 and hand them over to the petitioner.

For Petitioner : Mr.K.Prabakar

For Respondents: Mr.R.Muniyapparaj

Additional Public Prosecutor [R1 & R2]

Mr.K.Subburam [R4 & R5]



ORDER

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

Alleging that his two daughters Vinaya Sankar (aged 9 years) and Iniya Sankar (aged 5 years) are in the illegal custody of respondents 3 to 5, the present petition has been filed.

2. On notice, Mr.K.Subburam, Advocate, entered appearance for respondents 4 and 5 and stated that the petitioner and his wife (third respondent herein) are presently in London and are litigating there. Learned counsel also stated that the two children are with the respondents 4 and 5 in the address given in the petition. That apart, it appears that O.P.No.625 of 2021 seeking guardianship is pending on the file of this Court, in which, an interim order appears to have been passed on 24.11.2021 permitting the petitioner to interact with the two children via video call.

3. Taking into consideration the facts and circumstances of the case, it cannot be stated that the children are in the illegal custody of respondents 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

//True Copy//

Sub Assistant Registrar

gm

To

1. The Commissioner of Police,
Greater Chennai.
2. The Inspector of Police,
W-20 All Women Police Station,
Saidapet.



3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Prabakar, Advocate, S.R.No.24044

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SKM(CO)
PM/20/04/2022