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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.499 of 2022

Indhu

.. Petitioner

Vs.

1.The Superintendent of Police,
Mettur, Salem.

2.The Inspector of Police,
Mettur Police Station,
Salem.

3.Gopalakrishnan

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents herein to produce the body and person of the detenus viz., G.Megul Krishnan (Minor), aged about 7 years and G.Kautik Krishnan (Minor), aged about 4 years, S/o.Gopalakrishnan, before this Court and set them at liberty and hand over to the petitioner.

For Petitioner : Mr.S.Muthuselvan
for M/s.S.M.Law Chambers
For RR 1 and 2 : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking a direction to the respondents herein to produce the body and person of the detenus viz., G.Megul Krishnan (Minor), aged about 7 years and G.Kautik Krishnan (Minor), aged about 4 years, S/o.Gopalakrishnan, before this Court and set them at liberty and hand over to the petitioner.

2. It is the case of the petitioner that she got married to Gopalakrishnan, third respondent herein, on 20.04.2014 and



through the wedlock, she has two children viz., G.Megul Krishnan and G.Kautik Krishnan, aged about 7 and 4 years, respectively; she was living in Bengaluru with her husband and children for eight years and due to COVID-19 pandemic, her husband came to Mettur with her children and was staying in his brother's house; since her husband's brother did not have any child, he wanted to take in adoption either Megul Krishnan or Kautik Krishnan; however, she was not agreeable for the same and therefore, they were having vengeance towards her; her husband demanded her jewels and when she refused to part with them, she was assaulted and so, she left the house and went to her parents' house and so, her husband is not permitting her to see her children.

3. With the above allegations, this habeas corpus petition has been filed.

4. Today, M.Deepa (Mobile No.94981 75534), Women Grade I 1797, All Women Police Station, Salem District, is present.

5. On instructions, the learned Additional Public Prosecutor submitted that the story given by the petitioner is totally untrue, inasmuch as, the petitioner suppressed the fact that her own father Govindhan had earlier given a complaint to the police alleging that the petitioner was having an affair with one Mani, S/o.Gurumoorthy and she has gone missing, in connection with which, a case in Kuniyamuthur Police Station Crime No.784 of 2021 was registered for 'woman missing' on 17.11.2021. He also produced a copy of the FIR in the said case.

6. These facts have been completely suppressed by the petitioner in her affidavit. That apart, even according to the petitioner, her husband has initiated a divorce proceedings in H.M.O.P.No.144 of 2021 before the Subordinate Court, Mettur.

7. On a conspectus of the facts obtaining in this case, it cannot be stated that the children are in the illegal custody of the third respondent, for the issuance of a writ of habeas corpus.

Hence, this habeas corpus petition stands closed with liberty to the petitioner to work out her remedy in the manner known to law.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar



nsd

To

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- 1.The Subordinate Judge,
Mettur. (HMOP No.144 of 2021)
- 2.The Superintendent of Police,
Mettur, Salem.
- 3.The Inspector of Police,
Mettur Police Station,
Salem.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Muthuselvan, Advocate SR.No.21207

H.C.P.No.499 of 2022

PMK (CO)
GMY (13/04/2022)