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HCP No. 1473 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2022

Coram

The Hon'ble Mr. Justice **S.VAIDYANATHAN**
and
The Hon'ble Mr. Justice **A.D.JAGADISH CHANDIRA**

H.C.P. No. 1473 of 2022

Deepa

.. Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ranipet District.

2.The Inspector of Police,
Arcot Town Police Station,
Ranipet District.

3.Anjali

4.Pattapi

5.Sudha

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the Respondent Nos.1 and 2 to produce the bodies of (1) the petitioner's minor daughter KANISHKA, daughter of MADHAVAN, aged 15 years, (2) the petitioner's minor daughter Vajitha, daughter of MADHAVAN, aged 14 years and (3) the petitioner's minor son HEMANATH, son of MADHAVAN, aged 11 years, from the custody of No.3 to 5 Respondents before this Hon'ble Court and to hand over their custody to me.

For Petitioner	:	Mr.S.Amarnath
For R1 & R2	:	Mr.M.Babu Muthumeeran Addl. Public Prosecutor

ORDER

**S.VAIDYANATHAN, J.,
and
A.D.JAGADISH CHANDIRA, J.,**

The petitioner has filed this Habeas Corpus Petition seeking production of her minor daughters Kanishka and Vajitha, aged 15 and 14 years respectively and her minor son Hemanath, aged 11 years, from the custody of respondents 3 to 5, before this Court.



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2. The case of the petitioner is that she had married one Madhavan and out of wedlock three children were born namely Kanishka, Vajitha and Hemanath. Owing to difference of opinion between the petitioner and her husband, they are living separately. It is stated that the petitioner had left her three children under the care of her father and mother, the third and fourth respondent respectively. However, it appears that they had sent the children to the house of petitioner's younger sister which is at Bangalore. When the petitioner went to her mother's house on 12.06.2022, she was unable to find her children. The petitioner asked the respondents 3 to 5 to hand over her children back to her and since they refused to do so, she had lodged a complaint to the respondents 1 and 2. However since no action has been taken, the present Habeas Corpus Petition has been filed.

3. When the matter is taken up today, the children of the petitioner along with their maternal grandmother are present before this Court. The learned Additional Public Prosecutor would submit that enquiry has been conducted by the respondent police and during enquiry it came to light that the petitioner / mother of the children, had left her husband ten years ago



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and she has abandoned her children. He would further submit that the father, Madhavan, had handed over the children to the third respondent who is the maternal grandmother of the children and the father is also paying maintenance to his mother-in-law, the third respondent, to care of his children. The allegation made by the petitioner that the children were recently handed over to the third respondent is also false. He would submit that for the past ten years, the third respondent and her husband, the fourth respondent have taken care of the children.

4. This Court enquired the children of the petitioner namely, Kanishka, Vajitha and Hemanath. They submitted that their mother, the petitioner, had left their father and is living with someone. They further submitted that their father had handed over them to their maternal grandmother, the third respondent herein, who is taking care of them and their father is also paying maintenance. They submitted that they are not in illegal detention of anybody and they are not willing to go along with their mother, the petitioner herein.



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5. In view of the above submissions, we found that there is no substance in the allegations made by the petitioner herein. Finding that the children of the petitioner are not in illegal detention, this Habeas Corpus Petition is closed.

(S.V.N.,J.) (A.D.J.C.,J.)
05.08.2022

Index: Yes/No

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To:

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ranipet District.
- 2.The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
- 3.The Public Prosecutor,
High Court, Madras.



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