



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

H.C.P.NO.2163 OF 2021

Ganga

.. Petitioner

Vs.

1. The Superintendent of Police,
Gopalapuram, Coimbatore.

2. State by
The Inspector of Police,
Vadavalli Police Station,
Coimbatore.

3. A.Sathish

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent to secure and produce the body of the petitioner's minor female child aged about 4 years, namely Mauriya, Daughter of Sathish and hand over to the petitioner from the custody of the third respondent.

For Petitioner : Mr.C.Ashok Kumar

For Respondents : Mr.R.Muniyappa Raj,
Addl. Public Prosecutor
for R1 and R2
Mr.N.Manoharan
for Mr.R.Prabakar for R3



ORDER

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

It is the case of the petitioner that she got married to the third respondent on 14.02.2012 and through marriage, she was blessed with a girl child Mauriya on 08.04.2017. On account of matrimonial discord, the petitioner got separated from the third respondent and according to the petitioner, she has filed divorce proceedings in O.P. No.195 of 2021 against the third respondent in the Family Court, Coimbatore and the same is pending. While that being so, it is the case of the petitioner that on 30.11.2021, the third respondent came to her place of work and forcibly taken away Mauriya from her custody and that the police did not take any action despite her complaint to them. On this ground, the petitioner has filed the present habeas corpus petition.

2. On notice, the third respondent entered appearance through Mr.R.Prabakar, Advocate and has filed a counter affidavit dated 18.03.2022 together with a typed set of papers. Mr.N.Manoharan, learned counsel, who appears for Mr.R.Prabakar, learned counsel submitted that the petitioner is having illicit intimacy with one Nagendran and only in those circumstances, the child was brought by the third respondent for safety. He also placed on record copies of the complaints given by R.Krishnaveni, mother of the petitioner to the Commissioner of Police and to the Inspector of Police, Madukkarai Police Station alleging that the petitioner had taken away 11 sovereigns of gold and a car bearing Regn. No.TN 99 S 6211 for which the EMI is being paid by her and the third respondent.

3. However, learned counsel for the petitioner refuted the aforesaid contention and stated that the petitioner's mother is in collusion with the third respondent.

4. We do not want to wash their dirty linen in public and adjudicate upon disputed facts. Therefore, the habeas corpus petition is closed with liberty to the petitioner to approach the jurisdiction Court for seeking guardianship and custody of the child in accordance with law.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Gopalapuram, Coimbatore.

2. The Inspector of Police,
Vadavalli Police Station,
Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

+lcc to M/s.R.Prabakar, Advocate, S.R.No.18947

H.C.P.No.2163 of 2021

SS (CO)
RLP (31/03/2022)