



H.C.P.No.2342 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29..11..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

Habeas Corpus Petition No.2342 of 2022

Deepak.S

..... Petitioner

-Versus-

1.The State Rep. by
Superintendent of Police,
Erode, Erode District.

2.The State Rep. by
Inspector of Police,
Kadathur Police Station,
Erode District.

3.Lakshmi Respondents
Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents to produce the body of the detinue by name Minor Madhunisa, aged 13 years, daughter of the petitioner herein, from the illegal custody of the 3rd respondent before this court and set her at liberty.

For Petitioner : Mr.S.Bharahidharan

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*



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ORDER

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

This Habeas Corpus Petition has been filed seeking a direction to the respondents to produce the body of the detinue by name Minor Madhunisha, aged 13 years, daughter of the petitioner herein, from the illegal custody of the 3rd respondent before this court and handover her custody to the petitioner.

2. It is the case of the petitioner that he got married to Vijayalakshmi on 19.02.2010 and through the said wedlock, two children were born to them viz., Madhunisha (DOB – 28.11.2010) and Tarunika (DOB – 20.05.2016). The petitioner is an IT professional and was working in Bangalore. Vijayalakshmi was a house wife and she hailed from Karapadi Village in Erode District. The petitioner hails from Karattupalayam in the same District. During the Covid-19 pandemic, the petitioner shifted from Bangalore to his native village and was working from home. While so, a great adversity struck the family of the petitioner in that, on the midnight of 20.08.2022, Vijayalakshmi took her two children and jumped into LBP canal for



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committing suicide. Unfortunately, Vijayalakshmi and Tarunika died but Madhunisha was saved. On a complaint given by the mother of Vijayalakshmi, a case in Kadathur Police Station Crime No.256 of 2022 was registered on 21.08.2022 for the offence u/s 306 of IPC and the petitioner was arrested. He was enlarged on bail on 19.09.2022. During his incarceration, Madhunisha was in the custody of her maternal grandmother in Karapadi village. Alleging that his mother-in-law Lakshmi (3rd respondent) is not permitting him to even meet his daughter and refusing to give the custody of her, the present Habeas Corpus Petition has been filed.

3. On notice, Mr.M.Duraipandi, Inspector of Police, Kadathur P.S. and Ms.Sharmila Banu, Woman Head Constable (Grade I WHC 715), Kadathur P.S., are present. They produced Minor Madhunisha before us. Madhunisha was accompanied by Ramalingam and Mrs.Sasikala. Ramalingam is the co-brother of the petitioner, he having married Vijayalakshmi's sister Sangeetha, and Mrs.Sasikala is a close relative of Ramalingam and hence, accompanied him to the court.

4. We enquired Madhunisha. She stated that she feels comfortable in the company of her grandmother. Ramalingam stated that they are always



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ready and willing to provide free access to the petitioner for visiting his daughter and if the child wants to go to him, they could possibly have no objection. We allowed the petitioner to interact with the child for some time. We understand that the child has undergone a trauma in that it was saved from the jaws of death with providentially. We permit the petitioner to visit Madhunisha in her maternal grandmother's house once in a week on Sunday, if he so desires.

5. The petitioner who was present in court also stated that he would continue to pay the school fees and other things for Madhunisha by directly remitting into the school where she is studying. This is also recorded.

6. With the above observations, this Habeas Corpus Petition is closed with liberty to the parties to work out their remedies in the manner known to law.

(P.N.P., J.) (TKR.,J.)
29..11..2022

Index: yes /no
kmk

To

- 1.The Superintendent of Police, Erode, Erode District.
- 2.The Inspector of Police, Kadathur Police Station, Erode District.

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3.The Public Prosecutor, High Court, Madras.

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AND
RMT.TEEKAA RAMAN.J.,

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