



H.C.P.(MD)No.960of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

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S.Rahana

.. Petitioner/Mother of the
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Vs.

1. The Superintendent of Police,
Dindigul District,
Dindigul.

2. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul, Dindigul District.

3. Prasana Devi

4. Renitha

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the Respondents 1 & 2 to secure the petitioner's children, namely, Dhanushga (Daughter), aged about 10 years and Sai



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Shanmugasundaram (Son), aged about 8 years from the illegal custody of the Respondents 3 and 4 and produce them before this Court and hand over them to the custody of the Petitioner.

For Petitioner : Mr.A.Arul Jenifer

For Respondents 1 & 2 : Mr.S.Ravi,
Additional Public Prosecutor

For Respondents 3 & 4 : Mr.J.Sulthan Basha

O R D E R

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

It is the case of the petitioner that she got married to Somasundaram and through the wedlock, she has two children, Dhanushga, aged 10 years and Sai Shanmugasundaram, aged 8 years. Her husband Somasundaram died on 13.09.2021 and thereafter, her two children are in the illegal custody of the respondents 3 and 4, who are the sisters of her husband Somasundaram. On these allegations, this Habeas Corpus Petition has been filed.

2. On notice, the respondents 3 & 4 appeared in person through their advocate Mr.J.Sulthan Basha along with the children before this Court. The petitioner is also present.



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3. Today Mr.S.Vijay [Mobile No.8754369892], Sub Inspector of Police, Dindigul Town Police Station, is present before this Court.

4. Heard Mr.A.Arul Jenifer, learned Counsel appearing for the petitioner, Mr.S.Ravi, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents 1 &2 and Mr.Mr.J.Sulthan Basha, learned counsel appearing for the respondents 3 & 4.

5. Admittedly, the two children were born to the petitioner and Somasundaram and therefore, the petitioner is the natural guardian of the two children. It is also seen that Prasana Devi, the third respondent, has filed a suit in O.S.No.50 of 2022 on the file of the District Court, Dindigul, against the two children, the petitioner and the fourth respondent herein for partition. When we enquired with the fourth respondent, she stated that though she has got married before 13 years, she has no child.

6. In such circumstances, we are of the opinion that it will be unjust to separate the two children away from the petitioner, who is the lawful guardian. Therefore, we handed over the custody



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of the two children to the petitioner.

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7. With the above direction, this Habeas Corpus Petition is ordered accordingly.

[P.N.P.,J.] & [R.H.,J.]

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Index : Yes/No

Internet : Yes/No

PJL

To

1. The Superintendent of Police,
Dindigul District,
Dindigul.
2. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul, Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.N.PRAKASH, J.
and
R.HEMALATHA, J.

PJL

ORDER MADE IN
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