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H.C.P.No.499 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.499 of 2023

S.Ramya

.. Petitioner

Vs.

1. The Superintendent of Police
Thiruvannamalai Superintendent of Police Office
Thiruvannamalai
Tamil Nadu

2. The Deputy Superintendent of Police
Cheyyar Police Station
Thiruvannamalai District

3. The Inspector of Police
Pramathesam, Cheyyar (TK)
Thiruvannamali District – 632 511

4. Ponnamal

5. Karthikeyan ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the third respondent to produce the petitioner's minor son Kugan Raj, aged about 9 years and Minor

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daughter Shasti aged about 6 years before this Court from the custody of respondents 4 and 5 and handover to the petitioner.

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For Petitioner : Ms.S.Sinhuja
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.A.Narkeeran for R1 to R3
Mr.K.Nivesh Kumar for R4 and R5

ORDER

[Order of the Court was made by M.NIRMAL KUMAR, J.,]

This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 31.03.2023.

2. Today, the petitioner as well as fourth and fifth respondents and minor children are present before this Court.

3. We had interaction with the petitioner as well as the minor children. In the interaction, the petitioner affirms that she has no intention of contracting a second marriage but fourth and fifth respondents on their own created such an impression and were causing harassment to the petitioner, finally now forcibly taken the minor children of the petitioner.



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4. We also had interaction with the minor children. They admit that they are attending school from their grandparents residence and they are happily living with them and wanted to continue their stay and education. Therefore, we find that there is no illegal custody or illegal detention of the minor children. It is clearly a case of a tussle for custody of a minor child between the mother and paternal grandparents. It is for the parties to workout their remedies before the appropriate forum for the custody of the minor children and this order will not come in the way of deciding the rights of the parties.

With the above observation, this Habeas Corpus Petition disposed of as closed.

(M.S.,J.)

(M.N.K.,J.)

11.04.2023

Index : Yes
Speaking
Neutral Citation : Yes
gpa



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To

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Madras High Court, Chennai



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M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

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