



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 13.6.2023.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Original Petition No.12006 of 2023

and

Crl.M.P.No.7739 of 2023

I.Zubeidha Begum

Petitioner

vs.

The State rep. by
The Inspector of Police,
Selaiyur Police Station,
Tambaram City,
Chengalpet District.
(Crime No.Not known of 2023)

Respondent

K.Humayun Shareef

Intervenor

Criminal Original Petition filed under Section 438 Cr.P.C. seeking to enlarge the petitioner on bail in the event of her arrest concerned with unknown Crime No... of 2023 (on the file of the respondent police).

For Petitioner : Mr.S.Sathiaseelan

For Respondent : N.S.Suanthan,
Government Advocate (Crl. Side)

For intervenor : Mr.B.Senthilkumar

ORDER

The present petition has been filed by the petitioner seeking anticipatory bail in unknown Crime No. of 2023 on the file of the respondent police.



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2. The petitioner is none other than the wife of the de facto complainant K.Humayun Shareef and it appears that now they are in strained relationship. The factual background as elicited from the submission of the learned counsel appearing on either side of the present petition is as under:-

i) The marriage between the petitioner and the de facto complainant took place on 26.7.2009 and out of the wedlock, they got two children viz., Sarah Humayun (daughter aged 13 years) and Mohammed Suhayl Shareef (son aged 7 years). They were living at Sembakkam, Chennai. Both petitioner and the de facto complainant are well educated.

ii) Some time later, friction had developed between them on several issues and as a consequence, the petitioner had to leave the matrimonial home with her daughter alone. Thereafter, the petitioner used to visit her husband and son periodically and during one such visit, the petitioner had taken her son alongwith her to her mother's house.

iii) Alleging that the petitioner had kidnapped the boy, the de facto complainant had lodged a criminal complaint and thereupon, apprehending arrest, the present petition has been filed by the petitioner seeking anticipatory bail.



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3. Considering the strange circumstances of the case viz., the mother of the child is alleged to have kidnapped her own child from the custody of her husband and taking into consideration the welfare of the children, the case was taken up in the Chambers.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) for the respondent police and the learned counsel appearing for the intervenor and perused the materials available on record.

5. Since the offence alleged is kidnapping of a child by one parent from the custody of the other, this court felt it appropriate to enquire both the children by way of in-Camera proceedings. The children have been outspoken about the attitude of their parents. From their version, it appears that they are being wobbled between the devil and the deep sea by the ego clash of their parents.

6. When the court had enquired with the police, who was present in the court about the status of the complaint, it is brought to the notice of this court that the complaint lodged by the de facto complaint is pending in CSR No.758 of 2023 alone for about a month.

7. In the circumstances of the case, this court feels that



keeping the complaint pending any more would serve no purpose and thereby, the respondent is directed to close the complaint. Needless to say that it is for the parties to vindicate their grievance before the appropriate forum.

8. Accordingly, the Criminal Original Petition is disposed of. Consequently, the Miscellaneous Petition filed by the de facto complainant seeking to intervene is closed.

13.6.2023.

Index: Yes/No.
Internet: Yes/No.
ssk.

To

1. The Inspector of Police,
Selaiyur Police Station,
Tambaram City,
Chengalpet District.
2. Public Prosecutor,
High Court, Madras.



A.D.JAGADISH CHANDIRA, J.

ssk.

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