



HCP No.2228 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 02.01.2023**

**Coram**

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH  
and  
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

**H.C.P.No.2228 of 2022**

D.Geetha  
D/o.Thirugnanam

.. Petitioner

**Vs.**

- 1.The Commissioner of Police,  
No.132, Commissioner Office Building,  
EVK Sampath Road,  
Vepery,  
Chennai – 600 007.
- 2.The Assistant Commissioner of Police,  
No.494, Anna Salai,  
Thiru Vi Ka Kudiyiruppu,  
Teynampet,  
Chennai – 600 006.
- 3.The Inspector of Police,  
E-3, Teynampet Police Station,  
Teynampet,  
Chennai – 600 018.



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4.Chandrasekhar

5.The Inspector of Police,  
W-24, All Women Police Station,  
Teynampet,  
Chennai.

6.Sasikumar

..  
Respondents

[R5 and R6 *suo motu* impleaded as per order  
dated 25.11.2022 in HCP No.2228 of 2022]

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents 1 to 3 herein to produce the petitioner's just born 5 days female child born on 05.12.2021, from the possession of 4<sup>th</sup> respondent herein before this Court and to hand over the same to the petitioner herein.

|                 |   |                                                                                                 |
|-----------------|---|-------------------------------------------------------------------------------------------------|
| For Petitioner  | : | Mr.G.Dhayashankar                                                                               |
| For Respondents | : | Mr.R.Muniyapparaj<br>Additional Public Prosecutor<br>[R1 to R3 and R5]<br>Mr.C.S.Saravanan [R6] |
| Amicus Curiae   | : | Mr.E.V.Chandru                                                                                  |

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**ORDER**

[Made by **P.N.PRAKASH, J**]

This petition has been filed seeking a direction to the respondents 1 to 3 to produce the petitioner's child, which is in the custody of the fourth respondent herein, before this Court and to hand over the same to the petitioner herein.

2. Today, Ms.P.Amudha, Inspector of Police [Mobile No.82484 70928] and Ms.R.Rajeswari, Special Sub-Inspector of Police, W-24, All Women Police Station, Teynampet, Chennai, are present.

3. D.Geetha (petitioner) along with the infant Tharika and her mother viz., Chinnaponnu were present with their Advocate. The sixth respondent and his wife Meena, were present.

4. On 19.12.2022, we passed the following order:

"Though this case was adjourned to 20.12.2022, there appears to have been miscommunication, pursuant to which, Sasikumar (6th respondent) and Meena Couple appeared before us along with the child - Tharika. Hence, we had the matter listed today at 12.00 noon.



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2. When the matter was taken up for hearing Ms.P.Amudha, Inspector of Police and Ms.R.Rajeswari, Woman Spl.Sub-Inspector of Police of W-24, All Women Police Station, Teynampet, Chennai, were present. D.Geetha (petitioner) and her mother viz., Chinnaponnu were also present.

3. Mr.C.Dhayashankar, learned counsel for the petitioner and Mr.C.S.Saravanan, learned counsel for the 6th respondent were also present.

4. The DNA report dated 14.12.2022 showed that the biological parents of the child – Tharika are Chandrasekhar (4th respondent) and D.Geetha (petitioner). Therefore, on our directions, the custody of the child was handed over to D.Geetha (petitioner) in the court. Though Sasikumar (6th respondent) and Meena couple pleaded with us for the custody of the child on the ground that they are emotionally attached to the child, since the law being otherwise, we are unable to regularize the custody of the child. Since the child is emotionally attached to Sasikumar (6th respondent) and Meena couple, we wanted to ensure that the child is able to adapt with D.Geetha (petitioner), its biological mother.

Call on 02.01.2023. On that date all the parties shall be present."

5. Today, we find that the infant has got adapted with B.Geetha (petitioner), its biological mother.

6. Learned counsel for the petitioner submitted that while the child was away from the custody of the petitioner, it was named Tharika, but, the



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petitioner wants to name the child as Pragalya. It is for the petitioner to workout her remedy in the manner known to law for change of name.

7. Learned Additional Public Prosecutor expressed a serious apprehension that the petitioner should not trade with the infant again.

8. There appears to be sufficient force in the apprehension of the learned Additional Public Prosecutor in view of the past conduct of the petitioner. Therefore, we direct the Child Welfare Committee (South) to off and on visit the house of the petitioner, at least once a month, in order to find out if the infant continues to be in her custody. If the Child Welfare Committee notices anything suspicious, they shall immediately inform the Inspector of Police, W24 All Women Police Station, Teynampet, Chennai. Of course, it is left open to the petitioner to give the infant in adoption to anyone, but, in accordance with law, after properly notifying the Child Welfare Committee (South).



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9. We place on record our appreciation to Ms.P.Amudha, Inspector of Police, Ms.R.Rajeswari, Woman Special Sub-Inspector of Police, Ms.M.Panchavarnam, Woman Special Sub-Inspector of Police and Ms.P.Sasikala, Woman Special Sub-Inspector of Police, W-24, All Women Police Station, Teynampet, Chennai, for effectively finding out the whereabouts of the infant child and securing it. Our commendation may be recorded in their Service Registers.

Accordingly, this Habeas Corpus Petition stands closed.

**[P.N.P., J]**

**[N.A.V., J]**

**02.01.2023**

Index: Yes/No  
gm/ssr



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To

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Chennai – 600 018.
- 4.The Inspector of Police,  
W-24, All Women Police Station,  
Teynampet, Chennai.
- 5.The Child Welfare Committee (South),  
Chennai.
- 6.The Public Prosecutor,  
High Court, Madras.



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**P.N.PRAKASH, J**  
and  
**N.ANAND VENKATESH, J**

SSR

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