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H.C.P.No.2199 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HONOURABLE MR. JUSTICE **S.S. SUNDAR**

AND

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

H.C.P.No.2199 of 2023

Aishwarya

... Petitioner

Vs.

The State rep by

1. The Superintendent of Police,
Tiruvannamalai District.

2. The Inspector of Police,
All Women Police Station-Thandrapattu,
Tiruvannamalai District.

3. Ganamurugan

4. Selvi

5. Sakthi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus, directing the respondents 1 and 2 to produce the petitioner's minor daughter namely G.Gowsika aged 3½ who has been illegally detained under the custody of the 3 to 5 respondents herein and produce her before this Court.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : Mr.E.Raj Thilak (for R1 and R2)
Additional Public Prosecutor



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assisted by Mr.C.Aravind

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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

The petitioner is the mother of the detenue. The case of the petitioner is that she married 3rd respondent on 15.11.2015 and out of the wedlock, she was blessed with two children. The first child is a male about 6 years old and the second child is a female, who is aged about 3½ years old.

2. The case of the prosecution is that the 3rd and 4th respondents came in a car and kidnapped her minor daughter and kept her somewhere in the illegal custody.

3. Since serious allegations were made as if the female child was illegally taken custody by the 3rd respondent, this Court directed the respondent police to produce the detenue.

4. Today, the respondent police has stated before this Court that the petitioner was given custody of the female child, who was originally with



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the 3rd respondent-father.

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5. Though, this Court is not happy about the way in which the custody of the minor child was taken from the 3rd respondent, we find that the custody of the female child has been now given to the petitioner, who is none else than the mother of the detenue.

6. In view of the above, leaving it open to the 3rd respondent to approach, appropriate Court under the Guardian and Wards Act, either for custody or other relief, this Habeas Corpus Petition stands closed.

(S.S.S.R., J.) (S.M., J.)
01.12.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The Superintendent of Police,
Tiruvannamalai District.
2. The Inspector of Police,
All Women Police Station-Thandrapattu,
Tiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.



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