



HCP(MD)No.440 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.04.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

H.C.P.(MD)No.440 of 2023

Divya

.. Petitioner

Vs.

State rep. by

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

2.The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.

3.C.Pandi

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents 1 and 2 to produce the body or the detenu by name Minor Lakshan Sai, aged about 6 years, son of Shanthamoorthy, son of Divya, before this Court and thereby hand over him custody to the petitioner.



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For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.RMS.Sethuraman for R1 & R2
Additional Public Prosecutor
Mr.T.Lajapathi Roy for R3
Senior Counsel assisted
Mr.V.Rajiv Rufus

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

This Habeas Corpus Petition has been filed for a direction to the respondents 1 and 2 to produce the body or the detenu by name Minor Lakshan Sai, aged about 6 years, son of Shanthamoorthy, son of Divya, before this Court and thereby hand over him custody to the petitioner.

2. Today, the petitioner as well as the third respondent are present.

3. The learned counsel for the petitioner as well as the learned Senior counsel for the third respondent as well as the husband of the petitioner, namely, Shanthamoorthy would submit that there are two children out of the wedlock between the petitioner and her husband. Santhamoorthy was working abroad and has come to India to attend this case and the fact remains that out of these two children, the first male child, who is aged 6 years, is with the husband of the petitioner and the second child is with the petitioner.



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4. They would further submit that the dispute as to who has to take the custody of these children jointly or severally could be worked out by taking a conciliation talks for which both the parties agreed.

5. In view of the said development, where it has been reported before this Court by both sides that both children are safely in the custody of either of the parents and therefore, there is no illegal custody on the part of the children including the 6 years old detenu. Therefore, this Court feels that insofar as the Habeas Corpus Petition is concerned, no further order is required to be passed. Recording the aforesaid development, we feel that this petition can be closed with liberty to the petitioner and her husband to have conciliation talks to settle the issue amicably with regard to the custody of the children. Accordingly, this Petition is closed.

(R.S.K.,J.) (K.K.R.K.,J.)
17.04.2023

Index : Yes/No
Internet : Yes
RR



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Sivagangai District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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and
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