



HCP(MD)No.913 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.913 of 2023

Sathiya

.. Petitioner /Mother of Detenue

Vs.

1.State represented by
The Superintendent of Police,
Trichy District,
Trichy.

2.State represented by
The Deputy Superintendent of Police,
Manapparai,
Trichy District.

3.State represented by
The Inspector of Police,
Thuvrankurichi Police Station,
Thuvrankurichi,
Trichy District.

4.Saravanan

5.Divya

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents No.1 to 3 to produce the person or body of Minor Vikashini, Do.Saravanan, aged about 4 years, who is the daughter of the petitioner from the illegal custody of the respondents No.4 and 5 before this Court and handover the custody to the petitioner.

For Petitioner : Mr.A.Joel Paul Antony

For R-1 to R-3 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present petition is filed for issuance of a writ of Habeas Corpus to produce the person or body of the detinue, who is the daughter of the petitioner herein and hand over her custody to the petitioner.

2.1. The petitioner is the wife of Saravanan/fourth respondent, who has a minor daughter Vikashini. The fifth respondent is the wife of Meiyappan, who has a minor daughter Krithika. According to the petitioner, Saravanan and Divya are in an extramarital relationship, owing to



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which, she had left her matrimonial house along with her daughter Vikashini and her other child to her parents' house. On 18.06.2023, the petitioner's husband Saravanan had come to her parents' house and forcibly taken her daughter Vikashini with him. Thereafter, their whereabouts were not traceable and hence, the petitioner had given a complaint before the second respondent Police in C.S.R.No.410/2023 dated 23.07.2023.

2.2 In a similar fashion, Divya/fifth respondent, who was in an extramarital relationship with Saravanan/fourth respondent, had also taken her minor daughter Krithika and eloped with Saravanan/fourth respondent. In other words, Saravanan along with his daughter Vikashini and Divya along with her daughter Krithika had eloped from their respective matrimonial houses and were living together. Incidentally, Meiyappan, husband of Divya/fifth respondent had also given a complaint in C.S.R.No. 339/2023 dated 20.06.2023 against the fifth respondent for having taken away his minor daughter Krithika. It is in this background, the present Habeas Corpus Petition has been filed.



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3. Pending the Habeas Corpus Petition, the third respondent Police had traced both Saravanan and Divya along with the two children and all of them were produced before us today.

4. The learned Additional Public Prosecutor appearing for the respondent Police produced statements given by Saravanan/fourth respondent and Divya/fifth respondent, wherein, they had confessed all the aforesaid facts of having eloped together along with one of their children each.

5. Before us, Saravanan, husband of the petitioner herein, had handed over his minor daughter Vikashini to the petitioner. Likewise, Divya/fifth respondent herein had handed over her minor daughter Krithika to her husband Meiyappan. We also witnessed that the minor girl Vikashini was comfortable in the care and custody of Sathiya/petitioner. Likewise, was the case of Krithika's care and custody with Meiyappan. Thus, when the grievance of the petitioner has been met, no further orders are required in the present Habeas Corpus Petition, wherein, the petitioner had sought for securing and handing over the custody of her minor daughter to her.



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6. Accordingly, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
11.08.2023

NCC : Yes / No
Index : Yes / No
Lm

To

1.The Superintendent of Police,
State,
Trichy District,
Trichy.

2.The Deputy Superintendent of Police,
State,
Manapparai,
Trichy District.

3.The Inspector of Police,
State,
Thuvrankurichi Police Station,
Thuvrankurichi,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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