



WEB COPY



H.C.P.No.32 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.32 of 2024

R. Rajapriyanga

... Petitioner

Vs.

1. The Inspector of Police,
W-32, All Women Police Station,
Madipakkam, Chennai.
2. The Deputy Commissioner of Police,
St. Thomas Mount, Chennai.
3. The Commissioner of Police,
Veppery, Chennai 600 007.
4. N. Karthikeyan

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Habeas Corpus directing the 1st respondent herein to produce the body and person of the petitioner's minor son namely Mirthun Dev, aged 1½ years before this



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Hon'ble Court from the illegal custody of the 4th respondent and hand over minor child to the petitioner.

For Petitioner : Mr. R. Murali
For R1 to R3 : Mr.E. Raj Thilak
Additional Public Prosecutor
Assisted by Mr.Aravind, C.
For R4 : E.V.Chandru

ORDER

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

Owing to certain matrimonial dispute between the petitioner and the 4th respondent herein, the custody of their 1½ year old son was retained by the 4th respondent, which prompted the petitioner to file the present Habeas Corpus Petition.

2. Pending the HCP, through an interim order dated 23.01.2024, the custody of the minor child was directed to be handed over to the petitioner herein and subsequently the parties were referred to the mediation centre. Through subsequent orders dated 07.02.2024, the 4th respondent herein was granted liberty to visit his minor child as and when he desires with a



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condition that the wife/petitioner shall not cause any hindrance during such visits.

3. In this background, it is now reported that the mediation has failed. It is also stated that the 4th respondent herein has filed a Guardianship Petition before the concerned Family Court, which is yet to be taken on file. We are of the view that the custody of the child can continue with the petitioner herein, till a final decision is taken in the petition seeking for guardianship/custody of the minor child. Likewise, the 4th respondent herein shall also have liberty to visit his minor child as and when he desires and the petitioner herein shall not cause any hindrance during such visits, pending any interim/final orders in the petition for guardianship or interim custody. It is hereby clarified that the present arrangement for custody of the child is only an interim arrangement and the concerned Family Court will be at liberty to pass independent orders for interim/permanent custody, without being influenced by the present arrangement made in this order.



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4. With the above observations, the Habeas Corpus Petition stands

closed.

[M.S.R., J] [S.M., J]
13.03.2024

bga

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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