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HCP.No.739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

H.C.P.No.739 of 2024

Poornima Devi

.. Petitioner/mother of the detenu

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Chennai.

2.The Inspector of Police,
Villivakkam Police Station,
Chennai District.

3.Deiveegan

.. Respondents

PRAYER: 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 person of my minor daughters/detenues namely KAVIA (aged 13 years) and SAMBHAVI (aged 10 years) before this Hon'ble Court and hand



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over them to the petitioner.

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For Petitioner : K.Pandy
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by
Mr.C.Aravind for R1 and R2

ORDER

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

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The petitioner is the mother of two minor girl children. Complaining that her children have been abducted by the third respondent, who is the husband of the petitioner herein and that they are in his illegal custody, the present Habeas Corpus petition has been filed.

2.Today when this petition was called, both the minor children were produced before us. We had interacted with the children, who expressed that they are happily living with their father and they intend to continue their stay with their father only. The counter affidavit filed by the third respondent also



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reveals that he is taking care of his minor daughters and that the children are continuing their education.

3.In the light of these observations, we do not find the custody of the petitioner's minor daughters to be illegal with the third respondent. In case the petitioner is of the view that she is entitled for the custody of the children, she is at liberty to approach Court of law for appropriate remedy.

4.Hence, no further order is required to be passed for the prayer sought for in the present Habeas Corpus petition and accordingly, it is closed. No costs.

(M.S.R.,J.) (S.M.,J.)
29.04.2024

NCC : Yes / No
Index : Yes / No
Tsg



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M.S.RAMESH,J.
and
SUNDER MOHAN,J.

Tsg

To

1.The Commissioner of Police,
Office of the Commissioner of Police,
Chennai.

2.The Inspector of Police,
Villivakkam Police Station,
Chennai District.

3.The Public Prosecutor,
Madras High Court

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