



HCP No.1179 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2024

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THE HON'BLE MR.JUSTICE **G.R.SWAMINATHAN**

AND

THE HON'BLE MR.JUSTICE **P.B.BALAJI**

HCP No.1179 of 2024

Tamilarasi : Petitioner

versus

1.The Superintendent of Police,
Superintendent of Police Office,
Krishnagiri District

2.The Sub Inspector of Police,
Guruparapalli Police Station
Krishnagiri District

3.Manjunathan : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking direction to the respondents to produce the petitioner's grandson Master Nandeesh, aged about 2 ½ years before this Court and handover his custody to the petitioner.



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For Petitioner : Mr.R.Thamarai Selvan
For Respondents 1, 2 : Mr.A.Damodaran,
Additional Public Prosecutor
For 3rd Respondent : Mr.E.Kannadasan

ORDER

(Made by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The petitioner's daughter, Aishwarya, was given in marriage to the third respondent on 30.10.2020. A male child was born to the couple. Aishwarya committed suicide on 26.04.2023. In this regard, a case in Cr.No.215 of 2023 was registered against the third respondent for offences under Section 304B and 498A IPC.

3. The case of the petitioner is that on 08.05.2024, the third respondent came to the petitioner's house and forcibly took away the child/detenu. The specific allegation of the petitioner is that the child is being held as a trump-card. The third respondent wants the petitioner not to pursue the criminal case pending against him. Since the child could not be traced and the third respondent was also absconding, the



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present petition came to be filed.

4. The matter was listed before this Court yesterday. The second respondent made a statement before this Court that the third respondent is absconding along with the child. We specifically directed that the child shall be produced before this Court today.

5. Today, the third respondent is present in Court along with the child. It would not be proper for the Writ Court to go into the custody issue at this stage. We permit the petitioner to file a guardianship original petition before the jurisdictional Family Court. It is stated by the petitioner's counsel that by 27.05.2024, such a petition would be filed. The said original petition shall be numbered on the same day. The petitioner can also file an interlocutory application, seeking interim custody of the child. The interim custody application shall be taken up for disposal on 29.05.2024. The third respondent shall be present along with the child, before the jurisdictional Family Court, on 29.05.2024, when the application is taken up for hearing. An order shall be passed in the interlocutory application, within a period of one week thereafter. Custody rights of parties will abide by the outcome of



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the order to be passed by the jurisdictional Family Court. We make it clear that we have not gone into the merits of the matter.

6. The petition stands disposed of accordingly.

(G.R.S., J.) (P.B.B., J.)
24.05.2024

Index : Yes/No
Neutral Citation : Yes/No
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WEB COPY

- To
- 1.The Superintendent of Police,
Superintendent of Police Office,
Krishnagiri District
 - 2.The Sub Inspector of Police,
Guruparapalli Police Station
Krishnagiri District



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G.R.SWAMINATHAN, J.
and

P.B. BALAJI, J.

(tar)

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