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HCP.No.1175 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**  
**AND**  
**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**H.C.P.No.1175 of 2024**

SelvaPriyaMurugesan

... Petitioner

***Vs.***

1.The Commissioner of Police,  
EVK Sampath Road,  
Vepery, Chennai – 600 007.

2.The Inspector of Police,  
AWPS Villivakkam,  
Villivakkam.

3.Arun Nagarajan Viswanathan

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the petitioner's minor children Prakritiya aged about 4 years and Vickrutiya aged about 1 ½ years from the custody of the 3rd respondent before this Court and hand over to the petitioner.

For Petitioner

: Ms.R.Nirmala Devi

For Respondents

: Mr.E.Raj Thilak  
Additional Public Prosecutor



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## **ORDER**

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

The Writ of Habeas Corpus has been instituted to direct the respondents 1 and 2 to produce the petitioner's minor children Prakritiya aged about 4 years and Vickrutiya aged about 1 ½ years from the custody of the 3rd respondent before this Court and hand over to the petitioner.

2. The learned counsel appearing for the 3<sup>rd</sup> respondent would submit that both the minor children are now living with the 3<sup>rd</sup> respondent at Canada. Admittedly, matrimonial disputes are pending between the petitioner and the 3<sup>rd</sup> respondent. The petitioner is residing at Chennai and the 3<sup>rd</sup> respondent along with his children are residing at Canada. Several allegations are raised by the petitioner against the 3<sup>rd</sup> respondent, which are ought to be resolved in the manner known to law and by approaching the competent Court.

3. However, we do not find any illegal detention of the minor children, since both the minor children are residing with their biological father at Canada and we were informed that the father is taking care of the needs of the children.

That being so, the petitioner is at liberty to workout her remedy in accordance



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4. Accordingly, the present Habeas Corpus Petition stands disposed of.

[S.M.S., J.]

[V.S.G., J.]

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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**S.M.SUBRAMANIAM, J.**  
**AND**  
**V.SIVAGNANAM, J.**

gd

To

- 1.The Commissioner of Police,  
EVK Sampath Road,  
Vepery, Chennai – 600 007.
- 2.The Inspector of Police,  
AWPS Villivakkam,  
Villivakkam.
- 3.The Public Prosecutor,  
Madras High Court.

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