



H.C.P.No.1940 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

H.C.P.No.1940 of 2024

Dr.Mubashira

... Petitioner

Vs.

- 1.The Secretary,
Ministry of Home Affairs,
Union of India,
North Block,
New Delhi – 110 001.
- 2.The Secretary,
Ministry of Overseas Indian Affairs,
Ministry of External Affairs,
Secretariat Building,
New Delhi.
- 3.Embassy of India,
Plot No.10, Sector W-59/02,
Diplomatic Area,
Off the Sheik Rashid bin Saeed Street,
Near to Pepsicola,
P.O.Box. 4090,
Abu Dhabi, United Arab Emirates.



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4.The Consul General, Dubai,
Consulate General of India, Dubai
A1 Hamriya, Diplomatic Enclave,
P.O.Box No.737,
United Arab Emirates.

5.The Commissioner of Police,
Office of Commissioner of Police,
132, EVK Sampath Road, Vepery,
Periyamet, Chennai 600 007.

6.The Deputy Commissioner of Police,
Crime against Women and Children Wing,
12/2, Greaves Road, Chennai 600 006.

7.The Inspector of Police W-5,
A WPA Vepery Police Station,
Chennai.

8.Mohamed Ajmal

9.Mr.Khader Aslam

10.Mrs.Kyrunissa Syed Mohamed

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus, directing the respondents to secure and produce the minor children namely Eesa Ajmal, son of Mohamed Ajmal born on 30.09.2016, currently aged about 7 years, Indian Passport holder X6199257 and Saliha Ajmal daughter of Mohamed Ajmal, born on 03.10.2018 currently aged about 5 years, Indian Passport holder X6200112 before this Court and to hand over the children to the custody of the petitioner.



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For Petitioner	: Mrs.Geeta Ramaseshan
For R1 to R4	: Ms.S.P.Arthi Senior Panel Counsel
For R5 to R7	: Mr.E.Raj Thilak Additional Public Prosecutor
For R8	: Mr.I.Abdul Basith
For R9 & R10	: Mr.C.D.Johnson For Mr.P.Suresh Babu

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The habeas corpus petition has been instituted to direct the respondents to secure and produce the minor children namely Eesa Ajmal, son of Mohamed Ajmal born on 30.09.2016, currently aged about 7 years, Indian Passport holder X6199257 and Saliha Ajmal daughter of Mohamed Ajmal, born on 03.10.2018 currently aged about 5 years, Indian Passport holder X6200112 before this Court



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2. It is not in dispute between the parties that the petitioner and the 8th respondent married. From and out of wedlock between them, five children were born. As per the Mohammedan Law, the marriage was dissolved. It was agreed that the last two children will be in the custody of the petitioner and the first three children will be in the custody of the 8th respondent.

3. The learned counsel for the petitioner would submit that the last two children / detenues were sent to Dubai with her permission to meet the 8th respondent, who is the father of the children. Her grievance is that her children have not come back to India and they were studying here. The facts narrated in the petition would be sufficient to form an opinion that the children are not under illegal detention and they are very much in the custody of the father, since they are under the custody 8th respondent, who is the father of the children

4. In view of the fact that the children are not under illegal detention, the petitioner is at liberty to work out the remedy in the manner known to law.



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5. With this liberty, the Habeas Corpus Petition stands disposed of.

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[S.M.S., J.] [V.S.G., J.]
18.10.2024

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Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

To

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New Delhi – 110 001.
- 2.The Secretary,
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Ministry of External Affairs,
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