



WEB COPY



HCP.No.1976 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.1976 of 2024

Nandhini

...

Petitioner

Vs

State rep. By

1 The District Superintendent of Police,
Office of the District Superintendent,
Thiruvallur,
Thiruvallur District.

2. The Inspector of Police,
All Women Police Station,
Thiruvallur,
Thiruvallur District.

3. V.M.Susiker Rao

...

Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the body or person of the petitioner's minor daughter namely V.S.Titiksha Rao D/o.V.M.Susiker Road, aged about 6 years, before this Court from the illegal detention of 3rd respondent and hand over her custody to the petitioner.



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For Petitioner : Mr. R.Sasikumar
For Respondents : Mr. E.Raj Thilak,
Additional Public Prosecutor,
for respondents 1 and 2.
: Mr. S.Venkata Krishnakumar
for R3

ORDER

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

The Writ of Habeas Corpus Petition has been instituted to direct the respondents 1 and 2 to produce the body of the person of the petitioner's minor daughter, namely, V.S.Titiksha Rao, D/o.V.M.Susiker Rao, aged about 6 years.

2. Both the petitioner along with the second child and the third respondent along with the minor child V..S.Titiksha Rao, are present before this Court.

3. We allowed them to have a discussion and the minor daughter V.S.Titiksha Rao, is examined by this Court. She is at present is willing to go with her father. However, we are unable to assess the mind of the 6 years old minor,



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since she says that she wants to see her mother also. The child openly says that she wants to see both father and mother. If that being the expression made by the child, it is for the parties to approach the Court concerned seeking custody or to seek visitation right as the case may be in the manner known to law.

4. We find that there is no illegal detention as such and thus, the powers of Judicial Review under Article 226 of the Constitution need not be exercised. It is for the petitioner and the third respondent to resolve the matrimonial dispute and to seek custody, visitation right, etc., in the manner known to law.

5. With these observations, this Habeas Corpus Petition stands disposed of.

[S.M.S., J.]

[V.S.G., J.]

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

mrp



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

mrp

To

- 1 The District Superintendent of Police,
Office of the District Superintendent,
Thiruvallur,
Thiruvallur District.
2. The Inspector of Police,
All Women Police Station,
Thiruvallur,
Thiruvallur District.
3. The Public Prosecutor
High Court, Madras.

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