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H.C.P.No.2579 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

H.C.P.No.2579 of 2024

P.Mahalakshmi .. Petitioner

v.

1. The District Superintendent of Police
District Superintendent of Police office
Tiruvannamalai

2. The Inspector of Police
All Women Police Station, Polur
Tiruvannamalai

3. S.K.Pradeep

4. P.B.Sajeev .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, directing the 2nd respondent to produce the body of the petitioner's son Master P.M.Harshan, aged 5 years minor child before this Hon'ble Court from the illegal custody of the 3rd and 4th respondents and handover to the petitioner.

For Petitioner :: Mr.S.Jimraj Milton



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For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
for R1 & R2
Dr.G.Babu for R3 & R4

ORDER

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

The writ of habeas corpus has been instituted to produce the 5 years old minor son of the petitioner Master P.M.Harshan. The marriage between the petitioner and the third respondent was solemnized and from and out of wedlock, two children were born, namely, one male and one female. The male child is aged 5 years and the female child is aged about 3 years. Both the petitioner and the third respondent are living separately. The parties are willing to resume the matrimonial life. Thus it is for them to negotiate and arrive at an amicable solution for the purpose of resumption of matrimonial life. As far as the custody of the minor is concerned, we have seen that the minor boy has spontaneously joined with the mother and his younger sister aged about 3 years. When the boy is happy with his mother and sister, we find that he is willing to stay along with the mother, more so the children aged 5 years and below must be ordinarily allowed custody with the mother.



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That being the principles to be followed, the minor boy is now handed over to the custody of the petitioner/mother, who in turn may negotiate with the third respondent/husband for resumption of matrimonial life. With these observations, the habeas corpus petition stands disposed of.

Index : yes

(S.M.S.,J.)

(V.S.G.,J.)

Neutral citation : yes/no

28.10.2024

SS

To

1. The District Superintendent of Police
District Superintendent of Police office
Tiruvannamalai
2. The Inspector of Police
All Women Police Station, Polur
Tiruvannamalai
3. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

V.SIVAGNANAM,J.

SS

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