



HCP.No.2668 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2668 of 2024

V.Harini Devi

... Petitioner

Vs.

1.The Commissioner of Police
Greater Chennai Police
Office of the Commissioner of Police
Vepery, Chennai – 7.

2.The Inspector of Police
All Women Police Station
Anna Nagar, Chennai – 8.

3.Mr.Madan Kumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondent No.1 and 2 to produce the person or body of the petitioner's daughter by the name (1)minor Lakshana d/o.Madankumar (aged about 13) years and (2)minor Thiloshini d/o.Madankumar (aged about 8 years) before this Court and



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hand over the custody of the minor Children's to the petitioner.

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For Petitioner : Mrs.Kamala Kumar

For Respondents : Mr.R.Muniyapparaj,
Addl. Public Prosecutor for R1& 2
R3 – Ms.K.N.Shanthi

ORDER

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

This Habeas Corpus Petition has been instituted to direct the respondents 1 and 2 to produce the petitioner's daughters by name (1)minor Lakshana d/o.Madankumar aged about 13 years and (2)minor Thiloshini d/o.Madankumar aged about 8 years.

2. The marriage between the petitioner and the 3rd respondent was held on 21.01.2009 as per Hindu rites and customs and out of wedlock two children were born. Both are presently minor. The petitioner filed HCP on the ground that the minor daughters are illegally detained by the 3rd respondent. The police authorities produced the 3rd respondent along with the two minor children. The minor Lakshana/13 years is pursuing her 9th standard and minor Thiloshini/9 years is pursuing her 4th standard. Both



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the children are capable of understanding the proceedings of the Court.

Both the minor children in clear terms speak that they are not willing to join with the petitioner. Presently they are living with their father/3rd respondent, who is also present before this Court. They want to continue their education by staying along with their father.

3. That being the wishes of the minor children, the allegation of illegal detention as raised in the present HCP fails. The rights of the children are to be protected and Courts are bound to consider the best interest of the children. When the children are capable of expressing their wishes and willingness, the same has to be respected and to be protected by the Courts. Thus the present petition is devoid of merits.

4. Accordingly, the Habeas corpus petition is dismissed.

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

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To

1.The Commissioner of Police
Greater Chennai Police
Office of the Commissioner of Police
Vepery, Chennai – 7.

2.The Inspector of Police
All Women Police Station
Anna Nagar, Chennai – 8.

3.The Public Prosecutor,
Madras High Court.

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