



H.C.P(MD)No.1020 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

H.C.P.(MD) No.1020 of 2024

Kamali

... Petitioner / mother of the detenu

Vs.

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2. The Inspector of Police,
Bazzar Police Station,
Ramanathapuram District.

3.Manoj Kumar

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issue of a Writ of Habeas Corpus, directing the
Respondents 1 and 2 to secure her minor daughter namely, Kritya,



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D/o.Manoj Kumar, aged about 7 years from the third respondent and produce her before this Court and hand over the custody to the petitioner forthwith.

For Petitioner : Mr.J.Sankarapandian

For Respondents : Mr.A.Thiruvadi Kumar -for R1 & R2

Additional Public Prosecutor

Mr.R.Anand – for R3

ORDER

The Habeas Corpus Petition has been filed by a mother complaining that her minor daughter, aged about 7 years has been retained by the third respondent, her own husband at Andaman, at the time, when the daughter had come over to Ramanathapuram to attend a temple festival.

2. We heard both the learned counsel for the petitioner and also the learned counsel for the third respondent at length on several occasions.



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3. The petitioner and the third respondent had been married for nearly about 7 years and they were blessed with a young child who is the bone of contention in this Habeas Corpus Petition. They were all living at Andaman. They had come down to Ramanathapuram, their native place for a temple festival.

4. It is the contention of the petitioner that after she, the third respondent and the child had come over to Ramanathapuram, the third respondent had taken away the child back to Andaman. The petitioner for some reason had not gone back. She had stated reasons in the affidavit, but without there being any credible evidence to support the same, we are not inclined to state the same.

5. We had discussions with the petitioner herein and we had impressed upon her that she could go over to Andaman as she had been staying there for nearly 7 years and find discover herself the actual ground reality and the circumstances in which the third respondent is residing over there. After further protracted discussions, the learned counsel for the third respondent voluntarily came forward to state that the third respondent is prepared to purchase two way tickets not only for



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the petitioner but also for her parents to travel from Ramanathapuram to Andaman and thereafter, the discussions centered around the date on which they would so travel.

6. Today, it is informed that the petitioner and her parents would travel from Ramanathapuram to Andaman on 04.10.2024.

7. The learned counsel for the third respondent is present. He once again reiterated that the third respondent would undertake the responsibility to purchase tickets both to Andaman and back to Ramanathapuram. The return journey would be on the date which is later specified by the petitioner herself to the third respondent.

8. We hope that the grievances which the petitioner had over the third respondent would dissolve by themselves owing to the personal meetings by the petitioner with the third respondent and moreover in the presence of her parents. We hope that they would act as experienced mediators to resolve any issue between the petitioner and the third respondent, in the interest of the petitioner/their daughter, third respondent/their son-in-law and much more importantly, in the interest of



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their young grand child who would crave for both the parents to be with her in her growing years.

9. In view of the fact that the young daughter is safe and is in custody of her father/third respondent which cannot be termed as unlawful custody as on date, and on the facts presented to us, no further orders are required in this Habeas Corpus Petition.

10. Accordingly, this Habeas Corpus Petition stands closed.

(C.V.K., J.) (J.S.N.P., J.)
24.09.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Inspector of Police,
Bazzar Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.V.KARTHIKEYAN, J.
AND
J.SATHYA NARAYANA PRASAD, J.

RM

ORDER MADE IN
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24.09.2024