

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P. No.1125 of 2015

T.Vijayalakshmi

...Petitioner

-v-

1. The Superintendent of Police,
Krishnagiri District.

2. The Inspector of Police,
All Women Police Station,
Krishnagiri.

3.E.Periyannan

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the respondents 1 and 2 to produce the petitioner's children, namely 1.Gunasekaran, (aged 8 years) and 2.Shruthi (aged 12 years) before this Court and to set them at liberty.

For Petitioner : No appearance

For Respondents : Mr.A.N.Thambi Durai
Addl. Public Prosecutor for R1 &R2
Mrs.Selvi George for R3

O R D E R

(Order of the Court made by S.TAMILVANAN,J.)

There is no representation for the petitioner. Heard the learned Additional Public Prosecutor for respondents 1 and 2 and the learned counsel for the third respondent.

2. It is submitted by the learned counsel for the third respondent that one Thirtagiri was the father of the alleged detenus Gunasekaran and Shruthi, who was murdered by the petitioner herein (A2) and that a case was registered in Crime No.270 of 2014 on the file of the Inspector of Police,Taluk Police Station, Krishnagiri. The third respondent is the brother of the deceased Thirtagiri.

Paragraph-4 of the counter filed by the third respondent would reveal that the girl, Shruthi is studying VII Standard and the boy, Gunasekaran is studying in III Standard in St.Graham Memorial Primary and Higher Secondary School at Salem and both of them are staying in Hostel and going to school.

3.On the aforesaid circumstances, considering the welfare of the children, in view of facing serious allegations with regard to murder case, the petitioner could not be a proper person seeking custody of the detenu. Therefore, we are of the view that there are triable issues and it is not based on the question of law and it is a disputed question of fact. On the aforesaid circumstances, we find just and reasonable to dismiss the Habeas Corpus Petition.

4.Accordingly, the petition is dismissed and it is open to the petitioner to approach the appropriate forum seeking her remedy.

Sd/-
Assistant Registrar(CS-IV)

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Sub Assistant Registrar

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To

1. The Superintendent of Police,
Krishnagiri District.
2. The Inspector of Police,
All Women Police Station,
Krishnagiri.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

1 CC to Mr.M.Ravi, Advocate SR.No. 33920

1 CC to Mrs.Selvi George, Advocate SR.No. 34032

H.C.P. No.1125 of 2015

GP (CO)
PSI (22.07.2015)