

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR.JUSTICE S.MANIKUMAR

H.C.P.No.1189/2015

T.Dinakaran

... Petitioner

vs.

1. The Inspector of Police
All Women Police Station
Kallakurichi, Villupuram District.

2. The Superintendent of Police
Villupuram District.

3. Elavarasu

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus petition directing the 1st respondent to produce the person namely, minor girl Kaviyanchali, D/o.T.Dinakaran, aged about 6 years, who is in the illegal custody of the 3rd respondent and his men before this Court and to give the custody of the child to the petitioner forthwith.

For Petitioner : Mr.R.Kumaravel

For R1 & R2 : Mr.S.Shanmugavelayutham
Public Prosecutor

ORDER

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

Invoking Article 226 of the Constitution of India, the petitioner has filed this petition to cause production of his minor daughter, the detinue herein, namely, D.Kaviyanchali, aged about 6 years, who is said to be in the illegal custody of the 3rd respondent herein, before this Court and hand over her custody to the petitioner herein.

2.It is seen that the 3rd respondent is none other than the father-in-law of the petitioner herein. As per the complaint given by the petitioner, annexed in page No.2 of the typed set of papers, it has been specifically stated that the parents of his wife, viz., the 3rd respondent and his wife, have taken his wife to her parental home along with the minor child/the detenu herein. It is also seen that HMOP No.74/2013 filed by the petitioner's wife, is also pending on the file of the Sub Court, Kallakurichi.

3.In the aforesaid circumstances, the petitioner cannot come forward with this petition as if there is an illegal detention of his child by the 3rd respondent herein. This Court is of the view that there is no illegal detention of the detenu Kaviyanachali by her maternal grandfather/3rd respondent herein as alleged by the petitioner. Hence, this petition is not maintainable.

4.Accordingly, this Habeas Corpus Petition is dismissed giving liberty to the petitioner to work out his remedy before the appropriate Forum in the manner known to law.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Inspector of Police,
All Women Police Station
Kallakurichi, Villupuram District.

2. The Superintendent of Police,
Villupuram District.

3. The Public Prosecutor,
High Court, Madras.

TEJ(CO)
CA(20/05/2015)

H.C.P.No.1189/2015