

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.10.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

AND

THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P.No.1545 of 2015

Vinayagam
S/o.Sankar

.... Petitioner

vs.

1. The Inspector of Police,
F5 Police Station,
Choolaimedu, Chennai - 94.

2. Santhalakshmi 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 first respondent herein to trace out the petitioner's minor daughter Danishka, who is under the custody of the second respondent, secure her release from illegal confinement, produce her before this Court and set her at liberty.

For Petitioner : M/s.Gajalakshmi Rajendran

For Respondents: Mr.A.N.Thambi Durai
Additional Public Prosecutor [R1]
Mr.C.H.Vinobha Gandhi [R2]

O R D E R

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

Petitioner, who is the father of the detainee Danishka aged about 3½ years, has filed this petition seeking a direction to respondent to cause production of her daughter before this Court.

2. Heard learned counsel for petitioner, learned Additional Public Prosecutor for first respondent and learned counsel for second respondent.

3. Under orders dated 21.07.2015, this Court has referred this matter to Mediation and Conciliation Centre, High Court Campus, Chennai and directed the parties to appear before the Mediation Centre along with their counsel. It is brought to the notice of this Court that no settlement stands arrived at before the Mediation Centre.

4. Learned counsel for petitioner submits that the wife of the petitioner has filed a petition seeking divorce and the same is pending. Learned counsel further submits that visitation rights may be granted to the petitioner.

As the detenu is with her mother, it cannot be said that the detenu is under illegal detention. In the said circumstances, this Court has no other option except to close this petition. Accordingly, this Habeas Corpus Petition is closed. It will be open to the petitioner to move the Court below seeking visitation rights.
Gm

Sd/-
Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
F5 Police Station,
Choolaimedu, Chennai - 94.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 C.C. To M/S.Gajalakshmi Rajendran Advocate in SR.NO.56446

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KGK(CO)
sd : 29/10/2015