

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.07.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

H.C.P. No.1635 of 2015

M.Pari

...Petitioner

-v-

1. State represented by
Commissioner of Police,
Office of the Commissioner of Police,
Chennai.
2. The Inspector of Police,
S-6, Shankar Nagar Police Station,
Pammal, Chennai.
3. Senthilarasi

...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 herein to produce the petitioner's son, P.Logeshwaran, aged about 13 years, before this Court and set him at liberty.

For Petitioner : Mr.S.Shankar

For Respondents : Mr.A.N.Thambi Durai
Addl. Public Prosecutor

O R D E R

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

This petition has been filed under Article 226 of the Constitution of India seeking an order in the nature of Habeas Corpus, directing the respondents 1 and 2 to produce the petitioner's son, P.Logeshwaran, Son of M.Pari, aged about 13 years, before this Court and set him at liberty.

2.The petitioner and the third respondent/Senthilarasi respectively are father and mother of the alleged detenu. When the minor boy is aged about 13 years, it cannot be stated that there is illegal detention. If custody is required, it is open to the petitioner to seek redressal before appropriate Forum and in accordance with law and invoking Article 226 of the Constitution of India cannot be entertained.

3.On the aforesaid circumstance of the case, we are of the view that the HCP itself is not legally sustainable. In the result, the HCP is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. Commissioner of Police,
Office of the Commissioner of Police,
Chennai.
2. The Inspector of Police,
S-6, Shankar Nagar Police Station,
Pammal, Chennai.
3. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

H.C.P. No.1635 of 2015

KM (CO)
PSI (07.08.2015)

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