

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.08.2015

CORAM

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

H.C.P. No.1938 of 2015

M.Rajesh ... Petitioner

-v-

1.The State rep. by
The Inspector of Police,
Vellore North Police Station,
Vellore, Vellore District.

2.Abdul Rahman

3.Reshma ... 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 to produce the minor child Yumna Thabasum, aged about 6 years, daughter of M.Rajesh, before this Court and handed over the detainee i.e. Yumna Thabasum to the petitioner.

For Petitioner : MR.V.Manoharan

For Respondents : Mr.A.N.Thambidurai
Addl. Public Prosecutor for R1

सत्यमेव जयते
O R D E R

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

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the first respondent.

2.The alleged detainee minor child Yumna Thabasum, aged about 6 years is secured and produced before this Court along with the third respondent/Ms.Reshma.

3.On enquiry, the third respondent submits that there was divorce between the petitioner and the third respondent and that the child is with her, who is none other than the mother of the detainee /the third respondent herein.

4. Having considered the submissions made by the petitioner and the third respondent, we are of the view that there is no illegal detention by the third respondent, who is none other than the mother of the detainee. On the said circumstances, we find it just and reasonable to dismiss the petition. Accordingly, the Habeas Corpus Petition is dismissed as legally not sustainable.

5. It is open to the petitioner to work out his remedy before the appropriate forum.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Inspector of Police,
Vellore North Police Station,
Vellore, Vellore District.

2. The Public Prosecutor,
High Court of Madras,
Chennai.

1 cc to Mr. V. Manoharan, Advocate Sr.No.45730

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pmk.16.9.2015

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