

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.09.2015

CORAM

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

H.C.P. No.2017 of 2015

G.S.Devanand

...Petitioner

-v-

1. The Commissioner of Police,
Greater Chennai,
Chennai.
2. The Inspector of Police,
V-7, Nollambur Police Station,
Mugapair West,
Chennai-600 037.
3. The Inspector of Police
T-1, Ambattur Police Station,
Ambattur Chennai-600 053.
4. Mr.Shankar
Now working as Sub Inspector of Police
V-7, Nollambur Police Station,
Mugapair West,
Chennai-600 037.

5. R.Jothi Lakshmi

...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 to produce the detenu 1) Jai Anand 2) Jay Anand, both are sons of G.S.Devanand, aged about 7 years, before this Court and set them at liberty forthwith.

For Petitioner : Mr.K.P.Sathishkumar

For Respondent : Mr.A.N.Thambi Durai
Addl. Public Prosecutor for R1toR3
Mr.A.Mohan for R5

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 respondents 1 to 3 and the learned counsel for the fifth respondent.

2.This petition has been filed by the petitioner/father of the detenus Jai Anand and Jay Anand (twins), aged about 7 years, to cause production of them, before this Court and to set them at liberty.

3.Both the detenus were present along with the petitioner and the fifth respondent before this Court.

4.On enquiry, Jai Anand submitted that he is willing to go along with his father/the petitioner herein and another son Jay Anand with his mother/fifth respondent herein.

5.It is brought to the notice of this Court that the matter has already been referred before the Tamil Nadu Mediation and Conciliation Centre, High Court Buildings, Chennai, however, it could not be settled. When a child is with mother or father, being a natural guardian, it cannot be construed as illegal detention. Further, this Court cannot at this stage decide as to whether the children are forcibly taken by the mother/fifth respondent, since it requires evidence.

6.On the aforesaid circumstances, we find it just and reasonable to close this petition and it is made clear that both father and mother are having right of visitation of the other child at both the house of the father/petitioner as well as the fifth respondent/mother and it is open to the petitioner to seek remedy before the appropriate forum.

7.With the above observation, this Habeas Corpus Petition is ordered to be closed. Accordingly, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Greater Chennai,
Chennai.
2. The Inspector of Police,
V-7, Nollambur Police Station,
Mugapair West,
Chennai-600 037.
3. The Inspector of Police
T-1, Ambattur Police Station,
Ambattur Chennai-600 053.
4. The Public Prosecutor,
High Court of Madras,
Chennai.

1 CC to Mr.K.P.Sathishkumar, Advocate SR.No. 52342

H.C.P. No.2017 of 2015

KK (CO)
PSI (16.10.2015)

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