

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.1.2015

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MRS.JUSTICE ARUNA JAGADEESAN

H.C.P.No.212 of 2015

K.E.Karuppaiah

...Petitioner

vs.

1. The Inspector of Police
Law and Order
P-5, M.K.B. Nagar Police Station
Chennai - 39
2. Children Welfare Committee
rep by its Chairman
No.58, Suryanarayana Chetty Street
Royapuram Chennai - 13
3. Mrs.M.Vanitha
D/o.P.Murugesan
No.592/C Sakthi Nagar
E.B. Colony Dindigul - 624 001

...Respondents

H.C.P. has been filed to a writ of Habeas Corpus directing the first or third respondents to produce the detainee Master S.Kiran aged 6 years now under the custody of the third respondent before this Court and set him at liberty and pass such further or other orders as this Court deem fit and proper in the circumstances of the case.

For petitioner : Mr.N.Sreenivasalu
For Respondent : Mr.A.N.Thambidurai
Addl. Public Prosecutor
(Crl.Side) for R1]

O R D E R

This Habeas Corpus Petition has been filed by the paternal grandfather of the detenu praying that this Court may be pleased to direct the respondents to produce the detenu, namely, S.Kiran, aged about 6 years, who is said to be under the custody of the third respondent, before this Court and to hand over the detenu to the petitioner.

2. Today, when the matter was listed for hearing, the first respondent had produced the detenu, namely, S.Kiran before this Court. The mother of the detenu, the third respondent herein, as well as the maternal grandfather of the detenu are also present before this Court.

3. On enquiry, the mother of the detenu, the third respondent herein, had stated that she is taking care of her minor child, namely S.Kiran, from 2.12.2014. She has also stated that the child is being taken care of well and all the necessary facilities are being provided to the child and the detenu has been admitted in U.K.G. at Achyuta Public School at Dindigul. She had also placed before this Court the receipt of the fees paid to the said school, dated 8.12.2014.

4. The learned counsel appearing for the petitioner had stated that G.W.O.P.No.2787 of 2014 had been filed before the Principal Family Court, Chennai, for the custody of the child. G.W.O.P.No.63 of 2014 had also been filed by the third respondent before the District Court, Dindigul for the custody of the minor child, namely, S.Kiran.

5. In such circumstances, we do not find any cause or reason to grant the relief as prayed for by the petitioner in the present Habeas Corpus Petition. Hence, we find it appropriate to dismiss the Habeas Corpus Petition. Hence, the Habeas Corpus Petition stands dismissed. However, we make it clear that it would be open to the petitioner as well as the third respondent to seek their remedies, if any, before the appropriate forum with regard to the custody of the minor child, namely, Kiran, in accordance with law.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

lan

To

1. The Inspector of Police
Law and Order
P-5, M.K.B. Nagar Police Station
Chennai - 39

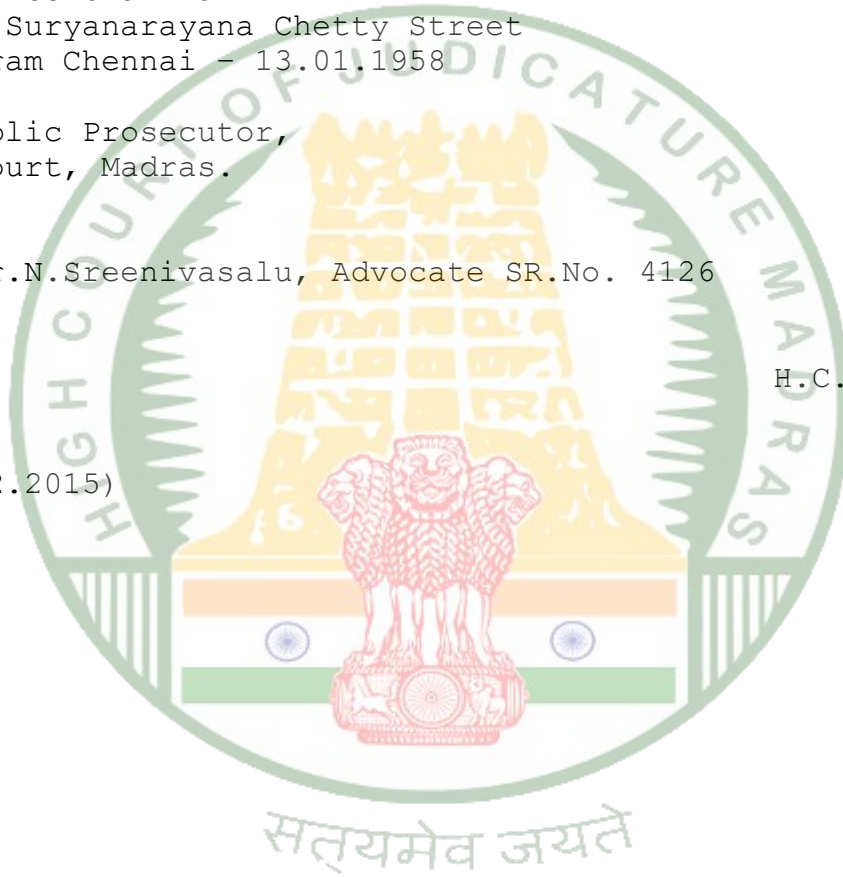
2. Children Welfare Committee
rep by its Chairman
No.58, Suryanarayana Chetty Street
Royapuram Chennai - 13.01.1958

3. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.N.Sreenivasalu, Advocate SR.No. 4126

H.C.P.No.212 of 2015

PPA (CO)
PSI (11.12.2015)



WEB COPY