

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

HABEAS CORPUS PETITION NO.3222 OF 2015

P.Geetha Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by the Secretary to Government,
Home Department,
Fort St. George, Chennai - 600 009.
2. State rep. by Inspector of Police,
All Women Police Station,
Thiruvallur, Thiruvallur District.
3. K.Pradeep Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the first and second respondents to produce the body of the detinue, by name Pradeepa, daughter of K.Pradeep, aged about 9 years, now detained under the custody of the 3rd respondent and set the detinue at liberty forthwith.

For Petitioner : Ms.D.Prasanna

For Respondents: Mr.A.N.Thambidurai,
Addl. Public Prosecutor -R1 and R2

O R D E R

(Order of the Court was made by R.SUDHAKAR,J.)

This Habeas Corpus Petition is filed by the mother of the detinue Pradeepa for a direction to the respondents to produce the detinue before this Court and set her at liberty.

2. It is the case of the petitioner, who is the mother of the detinue that the child/detinue, by name Pradeepa, is in the illegal custody of the first respondent, who is none other than the father of the child. It is seen that it is a case of love

marriage and the child was born in such wedlock on 19.06.2005. It is also seen from the affidavit filed that there is a matrimonial discord between the petitioner and the third respondent and in this regard, the petitioner has filed maintenance petition before the Judicial Magistrate Court at Thiruvallur in M.C.No.6 of 2015 and the same is pending.

3. We find that even though there is a matrimonial discord between the parties, nevertheless, the parties have agreed to certain terms in maintaining the child/detenu. Thereafter, it appears a complaint has been sent by the petitioner to the respondent - police on 18.12.2015 to secure the child and immediately thereafter, the petitioner has filed the present petition.

4. In the light of the above facts, we find that the detenu is with the father only and it is not a case of illegal detention warranting issuance of Writ of Habeas Corpus. Accordingly, this Habeas Corpus petition stands closed and the parties are at liberty to work out their remedies before the appropriate forum.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Home Department,
Fort St. George, Chennai - 600 009.
2. The Inspector of Police,
All Women Police Station,
Thiruvallur, Thiruvallur District.
3. The Public Prosecutor, High Court, Madras.

H.C.P.No.3222 of 2015

bvr(CO)
srg(19/01/2016)