

In the High Court of Judicature at Madras

Dated: 7.1.2015

Coram:

The Hon'ble Mr.Justice M.Jaichandren
and
The Hon'ble Mrs.Justice Aruna Jagadeesan

H.C.P. No.3716 of 2014

1 N.Jhoney Ressel Rose .. Petitioner

vs

1 The Inspector of Police,
B-5 Police Station, Singanallur,
Coimbatore Dt.

2 Evangeline Beena .. Respondents

Prayer: Petition is filed to issue a writ of habeas corpus or any other appropriate order or direction in the nature of writ directing the respondents to produce the person or body of the detenu, namely, Master Sam Joel, S/o Jhoney Ressel Rose, aged 6 years, before this Honble court and set him at liberty.

For petitioner : Mr.P.Mathivanan
For respondents : Mr.A.N.Thambidurai, APP for R1
: Mr.S.Chandrasekar for R2

O R D E R
[by M.Jaichandren, J.]

Heard the learned ~~सलायमेव जयते~~ counsels appearing on behalf of the parties concerned.

2. This Habeas Corpus Petition has been filed praying that this Court may be pleased to direct the respondents to produce the detenu, namely, Master Sam Joel, son of Jhoney Ressel Rose, aged about 6 years, before this Honble court and to set him at liberty.

3. The main contention of the learned counsel appearing on behalf of the petitioner is that an order had been passed by the Family Court, Coimbatore, dated 22.9.2010, in IDOP No.163 of 2009, granting visitation right to the petitioner. However, the 2nd respondent had failed to comply with the said order, till date. In such circumstances, the petitioner has preferred the present Habeas Corpus Petition before this Court.

4. In view of the submissions made by the learned counsels appearing on behalf of the petitioner, as well as the respondents, we are of the considered view that a direction cannot be issued by this Court, as prayed for by the petitioner. It is noted that the Family Court, Coimbatore, dated 22.9.2010, in IDOP No.163 of 2009, had granted an order in favour of the petitioner, granting visitation rights. Further, it cannot be said that the detenu, namely, Master Sam Joel, is in the illegal custody of the 2nd respondent, who is the mother of the minor child.

5. In these circumstances, we do not find any cause or reason to grant the relief, as prayed for by the petitioner, in this petition. Hence, the Habeas Corpus Petition stands dismissed. However, we make it clear that it would be open to the petitioner to move the appropriate Court to get the necessary reliefs, if any, in accordance with law.

Sd/-
Deputy Registrar
Dated:13.3.15

True Copy

Sub Assistant Registrar

To

- 1 The Inspector of Police,
B-5 Police Station, Singanallur, Coimbatore Dt.
- 2 The Public Prosecutor, High Court, Madras.
- +1 cc to Mr.P.Mathivanan, Advocate, SR.831
- +2 cc to M/s.S.Chandrasekar, Advocate, SR875.

ppa(co)
krd 18/3

सत्यमेव जयते

HCP No.3716 of 2014

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