

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.08.2015

CORAM

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

H.C.P. No.959 of 2014

C.Muthuselvi ... Petitioner

-v-

1.State rep. by
The Special Sub Inspector of Police,
B-5, Manavala Nagar Police Station,
Thiruvallur District.(Crime No.148/13). Respondent 1

2.M.A.Gopal

3.G.Sakthivel

4.G.Jayamani

5.G.Rameshbabu

6.Gangadharan Respondents 2 to 6

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 detenus G.G.Chandrasekaran-husband, 2.Priyadarshan-minor son and 3)Nithya Kalyani Laxmi-minor daughter, before this Court and set them at liberty.

For Petitioner : Mr.Jayasri Baskar

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

O R D E R

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

This petition has been filed under Article 226 of the Constitution of India seeking an order in the nature of Habeas Corpus, directing the respondents to cause production of her husband G.Chandrasekaran, minor son Priyadarshan and minor daughter Nithya Kalyani Laxmi before this Court and to set them at liberty.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The first detenu is present before this Court with her daughter (2nd detenu). On enquiry, the first detenu submitted that there is

no illegal detention and the children are in his custody. It is seen that there was misunderstanding between the petitioner and the first detenu herein, for which, the petitioner has filed this Habeas Corpus Petition. As per law, if the children are in the custody of father or mother being a natural guardian, it cannot be construed as illegal detention. In the case on hand, the children (2nd and 3rd detenus) are in the custody of father(1st detenu). Hence, it cannot be treated as an illegal detention.

3.Having considered the fact that there is no illegal detention, we are of the view that this Habeas Corpus Petition is dismissed as not maintainable. It is open to the petitioner to approach the appropriate forum seeking her remedy.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1.The Special Sub Inspector of Police,
B-5, Manavala Nagar Police Station,
Thiruvallur District.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 cc to M/s. Jayasri Baskar, Advocate, sr.42138

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