



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.1070 of 2015

J.Maria Lenorin Diana

.. Petitioner

Vs.

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2. The Inspector of Police
South Police Station,
Thoothukudi,
Thoothukudi District.

.. Respondents

Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the respondents 1 and 2 to produce the body or person of the detainee namely (Minor) Christy Shalu, D/o.Kumar Raja aged 8 years before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.V.Perumal

For Respondents : Mr.K.S.Durai Pandian

Addl.Public Prosecutor

ORDER

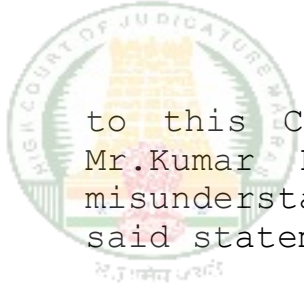
(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the wife of one Mr.Kumarraja. There is no love lost between them. Her child Christy Shalu aged 8 years was studying in a local school. It is alleged that on 16.07.2015, the child was kidnapped from school. In connection with the same, a complaint has been made by the petitioner. Since the child has not been secured, she has come up with this petition.

2. Today, when the matter was taken up, the learned Additional Public Prosecutor, on instructions from the Inspector of Police, namely, the 2nd respondent submitted that during enquiry, it has come to light that the child is in the safe custody of Mr.Kumar Raja, namely, the father of the child.

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

3. Mr.Raja Mohammed, a member of the Bar, intervened and submitted that he has got instructions from Kumar Raja to submit



to this Court that the child is in the very safe custody of Mr.Kumar Raja. He would further submit that there is some misunderstanding between the petitioner and Mr.Kumar Raja. The said statement is recorded.

4. Since the child is after all in the custody of the father, there is no scope to issue any direction as prayed for in this Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition is dismissed. If the petitioner wants custody of the child, she can very well work out her remedy before the civil Court.

sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police
South Police Station,
Thoothukudi,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO M/S.V.PERUMAL, ADVOCARE IN SR NO. 47386/15

RR
TE/SS-NGM/SAR(PA) 09/09/2015 2P/5C

ORDER MADE IN
H.C.P (MD) No.1070 of 2015
18.08.2015