



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.01.2015

Coram

THE HONOURABLE MR.JUSTICE A.SELVAM
AND
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

H.C.P. (MD) No.75 of 2015

Kogilavani

.. Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
All Women Police Station, (South)
Madurai City.

3.Kamalakannan

4.Ashok Kumar

5.Janaki

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to produce the body of petitioner's son namely Sricharan aged about 3 ½ years before this Court and entrust his custody to the petitioner.

For Petitioner	: Mr.R.Gandhi
For RR - 1 & 2	: Mr.T.Mohan
	Addl.Public Prosecutor
For R - 3	: Mr.J.Jeyakumaran

ORDER

(Order of the Court was made by **A.SELVAM, J.**)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to trace out and produce the detenu by name Sricharan, aged 3½ years, son of the petitioner.

2. The petitioner is present and she has been identified by her counsel.

3. Mr.J.Jeyakumaran, learned counsel has appeared for the third respondent.



4. The third respondent has produced the detenu and he has been identified by the petitioner.

5. The learned counsel appearing for the petitioner has vehemently contended that the respondents 3 to 5 have forcibly taken custody of the detenu. Under the said circumstances, the respondents 3 to 5 have to be directed to hand over the detenu to the petitioner.

6. The learned counsel appearing for the third respondent has contended that the third respondent is the father of the detenu.

7. Considering the fact that the third respondent is the father of the detenu, this Court cannot consider that custody of the detenu is illegal. If the petitioner wants custody of the detenu, she can seek her remedy before appropriate forum.

8. Considering the aforesaid factual circumstances, the relief sought for in the petition cannot be granted.

9. In fine, this Habeas Corpus petition deserves dismissal and accordingly is dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub- Assistant Registrar

To

1.The Commissioner of Police, Madurai City, Madurai.

2.The Inspector of Police,
All Women Police Station, (South), Madurai City.

3.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC to Mr.R.Gandhi, Advocate in sr.no.2444

+ 1 CC to Mr.J.Jeyakumaran, Advocate in sr.no.2252

mj

H.C.P. (MD) No.75 of 2015
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gdr 09.02.2015 2p/6c