

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.01.2016

CORAM

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

H.C.P. NO. 877 OF 2015

Geetha

.. Petitioner

- Vs -

1. The Inspector of Police
W-28, All Women Police Station
Ambattur, Chennai.

2. Venkatesan .. Respondents

Petition filed for the issuance of a writ of habeas corpus directing the respondents to produce the detenu, Avinesh, aged about 6 years, son Venkatesan before this Court and hand over the custody of the detenu to the petitioner.

For Petitioner : Mr. S.Senthilvel

For Respondents: Mr. A.N.Thambidurai, APP for R-1

ORDER
(DELIVERED BY P.N.PRAKASH, J.)

This petition has been filed by the petitioner, the mother of the detenu, Avinesh, aged about 6 years, for a direction to the respondents to produce the detenu before this Court and hand over custody of the detenu to the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the respondent.

3. It is the case of the petitioner that she got married to the respondent on 27.5.07 and through the said wedlock, they had begotten one male child, viz., the detenu. It is further averred by the petitioner that there was some matrimonial discord between her and her husband and her husband took away the child, viz., the detenu, along with him on 29.1.15 and left the house and is refusing to hand over custody of the detenu back to the petitioner. Hence, the present petition has been filed by the petitioner.

4. From the averments made in the affidavit, it is evident that there exists marital discord between the spouses due to which the petitioner's husband had taken away the detenu along with him. Therefore, it is evident that the detenu is at present in the custody of his father and the same cannot be said to be illegal detention.

5. In the above circumstances, there being no illegal detention, this habeas corpus petition is closed granting liberty to the petitioner to move the appropriate forum for custody of the minor child, viz., the detenu, if so advised.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Inspector of Police
W-28, All Women Police Station
Ambattur, Chennai.
2. The Public Prosecutor
High Court, Madras.

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SVI(CO)
EU 19.1.16

सत्यमेव जयते

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