

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2016

CORAM:

THE HON'BLE MR. JUSTICE R.SUDHAKAR
AND
THE HON'BLE MR. JUSTICE P.N. PRAKASH

H.C.P.No.2981 of 2015

A.S.Srinivasalu

Petitioner

vs.

- 1.State of Tamil Nadu rep by
The Inspector of Police
Bagayam Police Station
Vellore District
Tamil Nadu.
- 2.The Sub Inspector of Police
Bagayam Police Station
Vellore District Tamil Nadu.
- 3.K.Jayalakshmi
- 4.K.Karunakaran

Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the detenu namely Ahalya D/o A.S.Srinivasalu, aged about 4 years old, before this Court who has been unlawfully and illegally detained by respondent Nos.3 and 4 against her will and set her free at liberty and thereby ensure her Right to Life and Personal Liberty as guaranteed under Article 21 of Constitution of India.

For Petitioner
For R1 and R2

Mr.Prakash Adiapadam
Mr.M.Maharaja
Additional Public Prosecutor

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

This petition has been filed seeking a direction to the respondents 1 and 2 to produce the detenu namely Ahalya D/o A.S.Srinivasalu, aged about 4 years old, before this Court who has been unlawfully and illegally detained by respondent Nos.3 and 4 against her will and set her free at liberty.

2. It is the case of the petitioner that he got married to Padmavathi on 22.01.2010 and through the wedlock, he has a child by name Ahalya. It is further seen that Padmavathi committed suicide in her parental home on 12.03.2015 as she was suffering from depression. The child Ahalya was with Padmavathi when she went to her house and after her suicide, her parents, namely respondents 3 and 4 are not handing over custody of the child to the petitioner, despite the fact that the petitioner is the natural guardian.

3. Today, respondents 3 and 4 produced the child Ahalya before us. Upon enquiry, they stated that Padmavathi committed suicide, because she was suffering depression and after her death, they have been bringing up the child Ahalya. However, we find that Ahalya came into custody of the respondents 3 and 4 under the circumstances stated above and continued to be kept by them without handing the child back to her father, who is the natural guardian.

4. Under such circumstances, we feel that in the interest of justice, the child should be handed over to the petitioner herein. Accordingly, respondents 3 and 4 are directed to hand over the custody of the child Ahalya to her father, the petitioner herein. However, the maternal grandparents of the child Ahalya are at liberty to visit her at the house of the petitioner.

5. In this regard, the petitioner and his parents undertake that they will allow the maternal grandparents of the child to visit their house and be with her as and when required, preferably week ends, festival days and her birthday. To that effect, they have also filed an affidavit before this Court.

Accordingly, this Habeas Corpus Petition is closed.

gms

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.State of Tamil Nadu rep by
The Inspector of Police
Bagayam Police Station
Vellore District, Tamil Nadu.

2.The Sub Inspector of Police
Bagayam Police Station
Vellore District,Tamil Nadu.

3.The Public Prosecutor
High Court of Madras, Chennai.

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H.C.P.No.2981 of 2015



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