

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.01.2016

CORAM

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

H.C.P. NO. 3192 OF 2015

Nirmala .. Petitioner/Mother of
the Petitioner

- Vs -

1. The Assistant Commissioner of Police
Perambur, Chennai.
2. The Inspector of Police
Perambur Police Station
Perambur, Chennai.
3. J.Kala Jaganathan ... Respondents

Petition filed for the issuance of a writ of habeas corpus directing the first and second respondents to produce the petitioner's son, viz., Saikumar, aged 9 years, before this Hon'ble Court from the custody of the third respondent and set him at liberty.

For Petitioner : Mr. S.Deivasigamani

For Respondents: Mr. A.N.Thambidurai, APP for RR-1 & 2
Mr. J.Saravanavel for R-3

ORDER

(DELIVERED BY R.SUDHAKAR, J.)

This petition has been filed by the petitioner for a direction to the first and second respondents to produce the petitioner's son, viz., Saikumar, aged 9 years, before this Hon'ble Court from the custody of the third respondent and set him at liberty.

2. Heard the learned counsel appearing for the petitioner, the learned Addl. Public Prosecutor appearing for the first and second respondents and Mr.J.Saravanel, learned counsel appearing for the third respondent.

3. After hearing the learned counsel for the parties, this Court finds no reason to entertain this habeas corpus petition once over by the very same petitioner, who had earlier filed H.C.P. No.2477/2015 against the very same respondents and which was subsequently withdrawn by the petitioner as is evident from the order of this Court dated 12.10.2015.

4. Further, even as per the averments made in the present petition, there is no case made out by the petitioner showing that the detenu is in illegal detention. The averments show that there exists a dispute between the petitioner and the third respondent, which is brewing for quite sometime. In such view of the matter, there being no illegal detention, this Court finds no reason for issuance of a writ of habeas corpus. Accordingly, this habeas corpus petition is closed. However, liberty is granted to the petitioner to have the issue resolved by approaching the appropriate forum, if so advised.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

GLN

To

1. 1. The Assistant Commissioner of Police
Perambur, Chennai.

2. The Inspector of Police
Perambur Police Station
Perambur, Chennai.

3. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.J.Saravanel, Advocate, sr.90

H.C.P. NO. 3192 OF 2015

vgi co, kra 18.01.2016