

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.6.2016

CORAM

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

H.C.P.No.1050 of 2016

J.Samuvel Anandaraj Petitioner

Vs

1. State Rep. By:
The District Superintendent of Police,
Vellore District, Vellore.

2. The Inspector of Police,
All Women Police Station,
Vellore (Town).

..... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents police officials to produce the body of the minor boy - Eden Izar (aged 4 years) from the illegal custody of the petitioners wife Smt. Mercy Deva Shoruba and her adopted parents.

For Petitioner : Mr.D.Parthiban

For Respondents : Mr.V.M.R.Rajentren
Addl Public Prosecutor

ORDER

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

The petitioner is the father of a minor boy by name Eden Izar, aged 4 years. According to him, his wife, Mrs. Mercy Deva Shoruba is detaining the child, illegally. With this allegation, the petitioner has come up with this Habeas Corpus Petition seeking appropriate direction.

2. Today, when the matter was taken up, there was no representation for the petitioner, nor the petitioner made appearance.

3. The learned Additional Public Prosecutor submitted that the child is after all in the custody of his mother.

4. A perusal of the affidavit would also go to show that the detenu-the child, is in the custody of his mother which in our considered view cannot be considered as illegal. If the petitioner has got any right to have the legal custody of the child, he could very well work out the same before the competent Civil Court.

5. In such a view of the matter, the relief sought for in this petition cannot be granted. Hence, the Habeas Corpus Petition is dismissed.
kua

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

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

2. The Inspector of Police,
All Women Police Station,
Vellore (Town).

3.The Public Prosecutor, High Court, Madras.

mp1(co)
prk15/7

H.C.P.No.1050 of 2016

सत्यमेव जयते

WEB COPY