

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2016

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

H.C.P.No.1353 of 2016

N. Adhisheshaiah

... Petitioner

Vs

1. The Commissioner of Police,  
Office of the Commissioner,  
Vepperi, Chennai.

2. The Inspector of Police,  
K-2, Police Station,  
Ayanavaram, Chennai

... Respondents

Prayer: 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 the detinue Radhai, wife of N. Adhisheshaiah, aged about 31 years and A.Krish, son of N.Adhisheshaiah, aged about 2 years, before this Court were found missing from 21.04.2016 and set them at liberty.

For Petitioner : Mr.S.Kingston Jerold

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

ORDER

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

The petitioner is the former husband of one Mrs.Radhai. They got a child by name A.Krish aged 2 years. On the allegation that Mrs. Radhai and Krish are found missing from 21.4.2016, the petitioner has come up with this Habeas Corpus Petition.

2. Today, when the Habeas Corpus Petition came up for hearing, Mrs.Radhai appeared before this Court along with the child. She told us that there was divorce effected between her

and the petitioner dissolving the marriage and from that time onwards she has been keeping the child with her. She is now living separately.

3. The said submission is recorded.

4. Since the child is after all is in the custody of his mother and since Mrs.Radhai has got no allegation that she is illegally detained by anyone, we are not able to grant the relief sought for in this petition.

5. Accordingly, the Habeas Corpus Petition is dismissed. If the petitioner has got any legal right to secure the custody of the child, he can very well work out the same before the competent Civil Court.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,  
Office of the Commissioner,  
Vepperi, Chennai.
2. The Inspector of Police,  
K-2, Police Station,  
Ayanavaram, Chennai
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.S.Kingston Jerold, Advocate, S.R.No.4302

SV(CO)  
CA(26/08/2016)

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