

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.8.2016

CORAM

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

H.C.P.No.1745 of 2016

Vipulkumar @Vipul

..... Petitioner

Vs

1. The Senior Superintendent of Police,
Puducherry Union Territory,

2. The Station House Officer,
Muthiyalpete Police Station,
Puducherry Union Territory.

3. Prem Prakash Srivastava

4. Smt.Kusum Lata Srivastava

5.Smt.Archana Srivastava Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents 1 and 2 to produce the person or body of the daughter of the petitioner namely Aditi aged about 7 years from the illegal custody and hand over to the petitioner's custody.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.V.Balamurugan
Additional Public Prosecutor (Pondy)

ORDER

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

The petitioner is the husband of the 5th respondent and son-in-law of respondents 3 and 4. He has come up with this Habeas Corpus Petition alleging that his daughter by name Aditi, aged about 7 years has been illegally detained by respondents 3 and 4.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. From the narration of facts as made in the affidavit we are able to perceive that the detinue, namely the child is after all in the custody of 5th respondent and respondents 3 and 4. The said custody cannot be stated to be illegal so as to exercise the Habeas Corpus jurisdiction.

4. Thus, we do not find any merits in this petition. 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.

5. In our considered view, the relief sought for in this petition cannot be granted. Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1. The Senior Superintendent of Police,
Puducherry Union Territory,

2. The Station House Officer,
Muthiyalpet Police Station,
Puducherry Union Territory.

3.The Public Prosecutor, High Court, Madras.

+1 cc to Mr.S.Silambuselvan,advocate,sr,47673

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