

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2016

Coram:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

and

THE HON'BLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.183 of 2016

V.Venkataraman

.. Petitioner

vs.

1.Irudhayaraj
2.Thangaleela
3.Sujin
4.Inspector of Police
Thiruporur Police Station
Kancheepuram.

5.The Superintendent of Police
District Police Office
Kancheepuram District.

6.Commissioner of Police
Vepery
Chennai.

.. Respondents

Habeas Corpus Petition has been filed under Article 226 of the Constitution of India for a Writ of Habeas Corpus, directing the respondents to produce the body of the petitioner's minor daughter, namely, Jasintha, aged about 4 years, who is now in the illegal custody of the respondents 1 to 3 before this Court, and to handover her custody to the petitioner.

For petitioner :Mr.C.H.Vonobha Gandhi

For respondents :Mr.V.M.R.Rajentran,
Additional Public Prosecutor
for R.4 to R.6

O R D E R
(Order of the Court was made by M.JAICHANDREN,J)

This Habeas Corpus Petition has been filed before this Court, by the father of the detainee, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to direct the respondents to produce the minor daughter of the petitioner, namely, Jasintha, aged about 4 years, before this Court, and to hand her over to the custody of the petitioner.

2. The petitioner has alleged that the detainee, namely, Jasintha, who is the minor daughter of the petitioner, aged about 4 years, is in the illegal custody of the respondents 1 to 3.

3. At the time of the hearing of the Habeas Corpus Petition, on 01.03.2016, this Court was of the view that, it would be an appropriate case for being referred to the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, for arriving at an amicable settlement.

4. Today, when the matter had been listed before this Court, the parents of the detainee were present before this Court. The 2nd respondent, namely, Thangaleela, who is the maternal grandmother of the detainee, and the minor child, namely, Jasintha, were also present before this Court. The Mediation Interim Report, dated 01.03.2016, has also been placed before this Court. The said Interim Report reads as follows:-

"The petitioner and his Counsel were present. The respondents 1 to 3 along with Counsel were also present. The matter is adjourned to 15.03.2016, at 12.00 noon, as requested by the counsels for both the parties."

5. Today (15.03.2016), on being enquired, the detainee had stated that, she would like to be with the 2nd respondent, who is her maternal grandmother.

6. Even though, the detainee is a minor, she had expressed her wish to be with the 2nd respondent herein, namely, Thangaleela, who is the maternal grandmother of the detainee. It is made clear that, for the present, the detainee shall remain with the 2nd respondent. In the facts and circumstances of the case, we find that the petitioner could move the appropriate forum, to obtain the legal custody of his minor daughter, viz., Jasintha, who is at present living with her grandmother.

7. Taking into consideration the facts and circumstances of the case, we find that no further orders are necessary in the present Habeas Corpus Petition. Hence, the Habeas Corpus Petition stands closed. However, it is made clear that it would be open to the petitioner to seek his relief, if any, before the appropriate forum, in the manner known to law.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

paa

To

1. Inspector of Police
Thiruporur Police Station
Kancheepuram.
2. The Superintendent of Police
District Police Office
Kancheepuram District.
3. Commissioner of Police
Vepery, Chennai.
4. The Additional Public Prosecutor
High Court, Madras.

+1cc to M/s. C. Vonobha Gandhi, Advocate, S.R.No.16504

+1cc to M/s. C.K.M. Appaji, Advocate, S.R.No.16558

SNS (CO)
EU (05/04/2016)

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