

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.NO.2398 OF 2016

S.Shanthi

.. Petitioner

Vs.

1.The Deputy Commissioner of Police
Deputy Commissioner's Office
Avadi, Chennai.

2.The Assistant Commissioner of Police
Assistant Commissioner's Office
Ambattur, Chennai.

3.The Inspector of Police
T-1, Ambattur Police Station,
Ambattur, Chennai - 600 053.

4.M.Senthil Kumaran
5.Sathiya Leelavathi
6.Govindan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus to direct the respondents to produce the corpus of the detainee namely Selvi S.Ragavi, guardian grandmother, aged 9 years residing at No.10/B, North Mullai Nagar, 5th Street, Thirumullaivoyal, Chennai - 600 062 before this Court and set her at liberty.

For Petitioner	:	Mr.D.Veerasekaran
For Respondents	:	Mr.V.M.R.Rajentren
1 to 3		Additional Public Prosecutor
For Respondents		
4 to 6	:	Mr.N.Ramiah

O R D E R

[Order of the Court was made by M.JAICHANDREN, J.]

The Habeas Corpus Petition has been filed by the grandmother of the detainee, namely, S.Ragavi, aged about 9

years, seeking for a direction to the respondents, to produce the corpus of the detainee, S.Ragavi, before this Court and to set her at liberty.

2. We have heard the submissions made by the learned counsel appearing on behalf of the petitioner, as well as the learned counsel appearing on behalf of the respondents 4 to 6 and the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3.

3. The petitioner is the grandmother of the detainee, namely, S.Ragavi, aged about 9 years. The petitioner has stated that, her second daughter, had married the fourth respondent, on 25.02.2007, as per Hindu Rites and Customs. After the marriage, the daughter of the petitioner and the fourth respondent were living, happily. Out of the said wedlock, a female child was born, on 24.03.2008. Thereafter, the daughter of the petitioner had not been taken back, to the house of the fourth respondent. In such circumstances, the petitioner was taking care of the detainee. She had been put in Sethu Bhaskara Matriculation Higher Secondary School, Pudhur, Ambattur, Chennai and she is studying in 4th standard, in the said School, at present.

4. While so, the daughter of the petitioner had died, due to illness, on 01.09.2016. On 20.10.2016, when the detainee was in the School, the fourth respondent had taken her away and had kept her in his custody, against her wishes. Therefore, the petitioner had lodged a complaint, before the third respondent Police, on 20.10.2016, and the said complaint had been given CSR No.748/2016. However, since no effective steps had been taken, by the respondent Police, to trace the detainee and to hand her over, to the petitioner, she has preferred the present Habeas Corpus Petition.

5. Today, when the matter had been listed for hearing, the petitioner is present in Court. The fourth respondent, as well as the detainee, are also present in Court.

6. On enquiry, the detainee, who is aged about 9 years, had stated, clearly, that she is staying with the fourth respondent, who is her father and that she is comfortable with him.

7. Even though the learned counsel appearing on behalf of the petitioner had stated that the fourth respondent had kidnapped the detainee, against her wishes, we are of the view that the said allegation made by the petitioner, does not seem to be true. In such circumstances, we permit the detainee to go along with the fourth respondent, who is her father.

8. In such circumstances, as no further orders are necessary, the Habeas Corpus Petition stands closed. However, it goes without saying that it is for the petitioner to seek her remedies, if any, before the appropriate forum, in the manner known to law, with regard to the custody of the child.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

- 1.The Deputy Commissioner of Police
Deputy Commissioner's Office
Avadi,
Chennai.
- 2.The Assistant Commissioner of Police
Assistant Commissioner's Office
Ambattur,
Chennai.
- 3.The Inspector of Police
T-1, Ambattur Police Station,
Ambattur,
Chennai - 600 053.
- 4.The Public Prosecutor
High Court of Madras
Chennai.

+1 cc to Mr.N.Ramiah,advocate,sr.68518.

ssi(co)
krd 26/12

सत्यमेव जयते

H.C.P.NO.2398 OF 2016

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