

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

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

H.C.P.No.2442 of 2016

K.S. Puspha

..Petitioner/Mother of
the detinue

Vs.

1.The Commissioner of Police
Greater Chennai
Egmore, Chennai-8.

2.The Inspector of Police
T-6, Avadi Police Station
Nehru Bazar, Avadi, Chennai-54.

3.K.P.Srinivas

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the first respondents to produce the petitioner's son, namely, K.S. Praveen Kumar, aged about 3 years 10 months before this Court and set him at liberty.

For Petitioner : M/s.K.Wilson

For Respondents 1 & 2 : Mr.V.M.R.Rajentren,

Additional Public Prosecutor

For Respondent No.3 : No appearance

ORDER

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

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned counsel appearing on behalf of the respondents 1 and 2.

2. The petitioner has filed the present Habeas Corpus Petition stating that her minor son, namely, Praveen, aged about 3 years, has been taken away by the third respondent, who is her husband. Therefore, she had lodged a complaint, before the second respondent, on 26.8.2016. However, as no effective

steps had been taken by the second respondent to trace the detenu and to handover his custody to the petitioner, she has preferred the present Habeas Corpus Petition before this Court.

3. Even though, the learned counsel appearing for the petitioner has stated that the petitioner's son, namely, Praveen, who is in the custody of the third respondent would be in danger of physical harm, we are not convinced with the said submission.

4. In the complaint lodged by the petitioner, on 26.8.2016, there is no such claim with regard to the apprehension of the petitioner that the detenu would be in danger.

5. In such circumstances, we are of the considered view that the relief prayed for by the petitioner cannot be granted by this Court, at this stage. Hence, the Habeas Corpus Petition stands dismissed. However, we are inclined to direct the second respondent to investigate into the matter, based on the complaint lodged by the petitioner, on 26.8.2016, and to take necessary steps in accordance with law.

6. Further, with regard to the custody of the minor child, it is for the petitioner to move the appropriate forum to seek the relief, if any, in the manner known to law.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rnb

To

1.The Commissioner of Police
Greater Chennai
Egmore, Chennai-8.

2.The Inspector of Police
T-6, Avadi Police Station
Nehru Bazar, Avadi, Chennai-54.

3.The Public Prosecutor
High Court, Madras.

+ 3 ccs to Mr.K. Wilson, Advocate Sr.66181

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MSM(CO)

EU 15.12.16