

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.2466 of 2016

Jeganatha Jeyam

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai, EVK Sampath Road,
Vepery-7.

2.State by the
Inspector of Police
S5 Pallavaram Police Station
G.S.T. Road, Chennai-43.

...Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondent police to produce the child, namely, Rohit, aged about 5 years, before this Court.

For Petitioner : M/s.S. Vasu

For Respondent : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

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 Additional Public Prosecutor appearing on behalf of the respondent.

2. The petitioner has filed the present Habeas Corpus Petition before this Court stating that his minor child, Rohit, aged about 5 years, had gone missing, for over six months. It has also been stated that the detenu, namely, Rohit, is in the custody of his wife, namely, Anitha.

3. It has been further stated that his wife is working in the State Bank of India. In such circumstances, the petitioner has preferred the present Habeas Corpus Petition.

4. Today, when the matter had been taken up for hearing, the wife of the petitioner, namely, Anitha, was present before this Court, along with her minor son, Rohit. She had stated that due to the torture meted out to her by the petitioner, she had left the matrimonial home, along with her minor child. She has further stated that her minor child has been admitted in a School in Pudukottai and he is attending the School, regularly.

5. In such circumstances, we are of the considered view that the minor child of the petitioner, namely, Rohit, is in the custody of his mother and not in the illegal custody of anyone, as alleged by the petitioner herein. Hence, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rnb

To

1.The Commissioner of Police,
Greater Chennai, EVK Sampath Road,
Vepery-7.

2.The Inspector of Police,
S5 Pallavaram Police Station
G.S.T. Road, Chennai-43.

3.The Public Prosecutor
High Court, Madras.

+2cc to Mr.S.Vasu, Advocate sr.67265

H.C.P.No.2466 of 2016

rj[co]
srg 3/2/2017