

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2016

CORAM

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

H.C.P.No.36 of 2016

M.Ebenezer

... Petitioner

vs.

The state, rep.by

1.The Inspector of Police,
Mandarakuppam Police Station,
Cuddalore District

2.Mr.K.Chinniah

3.Mrs.C.Manjula

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents to produce my daughter Baby.Riana, aged about eight months, before this Court and set her at liberty.

For Petitioner : Mr.E.Ezhil Caroline

For Respondents : Mr.V.M.R.Rajentren,
Addl. Public Prosecutor for R1
Mr.T.Sivagnanasambandan
for R2 and R3

O R D E R

(Order of the Court was made by M.JAICHANDREN, J.)

This habeas corpus petition has been filed by the father of the detainee, praying that this Court may be pleased to direct the first respondent, to produce the detainee, namely, Baby.Riana, aged about eight months, before this Court, and to set her at liberty.

2. The petitioner had stated that he had married one Gayathri, who is the daughter of the second and third

respondents, on 13.3.2013, at the CSI Church, Chennai. Out of the said wedlock, a female child, who is the detainee, was born, on 1.5.2015. The petitioner's wife had died, on 7.11.2015, due to illness. Thereafter, the parents of his wife, the second and third respondents, had taken away the minor child of the petitioner and they are keeping her, in illegal custody. Therefore, the petitioner had preferred a complaint, before the first respondent police, on 23.12.2015. However, as no effective steps have been taken, by the first respondent police, to secure the detainee and to hand over her custody to the petitioner, he has preferred the present habeas corpus petition, before this Court.

3. When the matter had been listed for hearing, on 16.2.2016, this Court had placed the matter before the Mediation and Conciliation Centre, attached to this Court, to try and arrive at an amicable settlement amongst the parties. However, the Tamil Nadu Mediation and Conciliation Centre, had sent a report to this Court, dated 24.3.2016, stating that the parties were unable to arrive at an amicable settlement and therefore, the papers relating to the present habeas corpus petition, have been sent back to this Court.

4. At this stage of the hearing of the habeas corpus petition, the learned counsel, appearing for the respondents 2 and 3, had stated that the detainee had been living with the second and third respondents from the time she was born. He had further submitted that the minor child is being taken care of by the second and third respondents, providing her with all necessary facilities and taking care of her health. In such circumstances, we are of the considered view that it is for the petitioner to establish his rights, if any, before the appropriate forum, in the manner known to law.

5. In such circumstances, the habeas corpus petition stands dismissed, leaving it open to the petitioner to move the appropriate forum, to seek his remedies, if so advised, in the manner known to law.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

msk

To

1.The Inspector of Police,
Mandarakupam Police Station,
Cuddalore District

2.The Additional Public Prosecutor
High Court, Madras.

+1 cc to Mr.T.Sivagnanasambath, Advocate, sr.20882

H.C.P.No.36/2016

kji co
kra 26.04.2016



WEB COPY