

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2016

CORAM:

THE HONOURABLE MR . JUSTICE M.JAICHANDREN

AND

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

H.C.P.No.595 of 2016

S.Revathy alias Parveen

... Petitioner

-Vs-

State rep by
The Inspector of Police
W-8, All Women Police Station
Thirumangalam
Chennai 600 040.

... Respondent

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of direction, in the nature of Writ of Habeas Corpus, directing the respondent to rescue the petitioner children namely Amir aged about 9 years and Nishar aged about 5 years in accordance with the petitioner's complaint and produce before this Court and set her at liberty.

For Petitioner : Mr.N.Suresh

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

O R D E R

सत्यमेव जयते

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

This Habeas Corpus Petition has been filed by the mother of the detenus, namely, Amir, aged about 9 years, and Nishar, aged about 5 years, praying for a direction to the respondent, to rescue them and to produce them before this Court, and to set them at liberty.

2. The petitioner has stated, that her minor children had been taken by her husband, and that he is keeping them in illegal custody. Therefore, the petitioner had lodged a complaint before the respondent, on 16.11.2015, and the said complaint had been given CSR No.380/2015. However, since no effective steps had been

taken by the respondent, to produce the detenus, and to hand over their custody to the petitioner, she has preferred the present Habeas Corpus Petition.

3. At this stage of the hearing, learned Additional Public Prosecutor, appearing on behalf of the respondent had stated that the minor children are in the custody of their father. In such circumstances, we do not find any reason to grant the relief, as prayed for by the petitioner, in the present Habeas Corpus Petition. Hence, the Habeas Corpus Petition stands closed. However, it is made clear that it is open to the petitioner and her husband, to seek the remedies, if any, before the appropriate forum, for the custody of the children, in the manner known to law.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

gms

To

1.The Inspector of Police
W-8, All Women Police Station
Thirumangalam
Chennai 600 040.

2.The Public Prosecutor,
Madras High Court, Chennai.

H.C.P.No.595 of 2016

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