

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2016

Coram:

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.635 of 2016

K.Nirmala

.. Petitioner

vs.

1.The Assistant Commissioner of Police
Perambur
Chennai.

2.The Inspector of Police
Perambur Police Station
Perambur
Chennai.

3.J.Kala Jaganathan

.. Respondents

Habeas Corpus Petition has been filed under Article 226 of the Constitution of India for a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body of the petitioner's son, by name, Saikumar, aged about 9 years, before this Court and to set him at liberty.

For petitioner :Mr.I.Abraham

For respondents :Mr.V.M.R.Rajentran,
Addl. Public Prosecutor

सत्यमेव जयते
O R D E R

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

This Habeas Corpus Petition has been filed by the mother of the detenu, praying that this Court may be pleased to direct the respondents 1 and 2 to produce the petitioner's minor son, namely, Saikumar, aged about 9 years, before this Court, and to hand over his custody to the petitioner.

2. The petitioner has stated that the 3rd respondent is keeping the child of the petitioner in illegal custody. Even though, the petitioner had handed over the child to the 3rd respondent, to keep him in custody, for a short period, due to certain family problems, the 3rd respondent is refusing to hand

over the custody of the detenu to the petitioner. Even though, she is legally entitled for the same, the 3rd respondent is threatening the petitioner and refusing to hand over the custody of the child and she is also demanding a sum of Rs.15,00,000/-, for handing over the child to the petitioner. In such circumstances, according to the petitioner, she had earlier preferred two Habeas Corpus Petitions, before this Court, in H.C.P.Nos.2477 of 2015 and 3192 of 2015 and subsequently, both the Habeas Corpus Petitions had been withdrawn, based on the assurance given by the 3rd respondent that the custody of the child would be handed over the petitioner. However, the 3rd respondent had failed to hand over the custody of the detenu to the petitioner, as promised by her.

3. We have heard, Mr.I.Abraham, the learned counsel appearing on behalf of the petitioner; Mr.V.M.R.Rajentran, the learned Additional Public Prosecutor appearing on behalf of the respondent police; and we have also perused the records available before this Court.

4. We are of the considered view that such disputed issues can be raised by the petitioner, before the appropriate forum, in the manner known to law. It is also noted that the petitioner had earlier preferred two Habeas Corpus Petitions before this Court, in H.C.P.Nos.2477 of 2015 and 3192 of 2015 and subsequently, she has withdrawn the same. Therefore, we find it appropriate to dismiss the present Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition is dismissed. However, we make it clear that it is open to the petitioner, to move the appropriate forum to seek her relief, if any, in the manner known to law.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

paa

To

1.The Assistant Commissioner of Police
Perambur
Chennai.

2.The Inspector of Police
Perambur Police Station
Perambur
Chennai.

3.The Additional Public Prosecutor
High Court, Madras.

+1cc to Mr.I. Abraham, Advocate, S.R.No.20771

GJ(CO)
EU(27/04/2016)

H.C.P.No.635 of 2016



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