

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

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

H.C.P.No.704 of 2016

S.Tamilselvi

..

Petitioner

vs.

1.The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.

2.K.Ganasekaran

..

Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus to direct the first respondent to produce the body of the petitioner's daughter namely A.Rathi, aged about 3 years before this Court and to set her at liberty.

For Petitioner : Mr.A.Tamil Rajan

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

ORDER

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

This Habeas Corpus Petition has been filed, praying that this Court may be pleased to direct the first respondent to produce the detainee, a female child of the petitioner, by name A.Rathi, aged about 3 years, before this Court, who is in the illegal detention of the second respondent and set her at liberty.

2.The petitioner, who is the mother of the detainee, has stated that she had married one Anand, in the year 2010 and out of the said wedlock, a girl child, by name A.Rathi, was born to them, on 19.11.2012. Unfortunately, the petitioner's husband was murdered by some unknown persons, on 12.11.2013. The petitioner

has been living with her child, the detinue herein, at her native place, at Krishnagiri. While so, on 04.09.2015, the detinue had gone missing from the house of the parents of the petitioner. Therefore, the petitioner has lodged a complaint before the first respondent, on 14.10.2015. Since, the first respondent had not taken any effective steps to trace the detinue, the petitioner has preferred the present Habeas Corpus Petition.

3.It is stated that the second respondent, who is the paternal grand father of the detinue is having the detinue, in his illegal custody. In such circumstances, the petitioner has preferred the present Habeas Corpus Petition.

4.Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and having gone through the records available before this Court, we are of the considered view, that it is for the petitioner, to work out her remedies, before the appropriate forum, in the manner known to law. We find no reason to grant the relief, as prayed for by the petitioner, in the present Habeas Corpus Petition.

5.In the result, this Habeas Corpus Petition is dismissed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

jbm

To

1.The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

H.C.P.No.704 of 2016

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