

In the High Court of Judicature at Madras

Dated: 20.04.2016

Coram:

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

H.C.P.No.749 of 2016

Anbukarasi @ Radhika

.. Petitioner

vs.

1.The Inspector of Police,
W-22 All Women Police Station,
Mylapore, Chennai-600 004

2.R.Rajesh Kumar

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the first respondent to produce the detainee namely Roslin D/o.Muthu, now under the custody of the 2nd respondent and to set her at liberty forthwith.

For Petitioner ... Mr.L.Charlespremkumar

For Respondents ... Mr.V.M.R.Rajentren,
Addl.Public Prosecutor
for R1

O R D E R

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

This habeas corpus petition has been filed by the mother of the detainee, namely, Roslin, praying that this Court may be pleased to direct the first respondent to produce the detainee before this Court and to set her at liberty.

2. It has been stated that the petitioner had married the second respondent. Out of the wedlock, the detainee had been born. However, due to certain family dispute, the second respondent had taken custody of the detainee, illegally. Therefore, the petitioner had preferred a complaint, before the first respondent. Since no effective steps had been taken by the first respondent,

to secure the detainee and to handover her custody to the petitioner, she has preferred the present habeas corpus petition, before this Court.

3. In view of the submissions made by the learned counsel appearing on behalf of the petitioner, and on a perusal of the records, we are of the view that it is for the petitioner to seek her remedies, if any, before the appropriate forum, for the custody of her daughter, as the second respondent is said to be the father of the detainee. In such circumstances, we are not inclined to grant the relief, as prayed for by the petitioner, in the present habeas corpus petition. Hence, the habeas corpus petition stands dismissed. However, it is made clear that it is open to the petitioner to pursue her remedies, if any, before the appropriate forum, in the manner known to law.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

msk

To

1.The Inspector of Police,
W-22 All Women Police Station,
Mylapore, Chennai-600 004

2.The Public Prosecutor,
High Court, Madras.

2 ccs to M/s. Charles Premkumar, Advocate, Sr 25069

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MP (CO)
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