

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2016

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.904/2016

S.Imran Khan

.. Petitioner

Vs

1. State rep. by the Commissioner of Police,
Greater Chennai,
Vepery, Chennai-7.

2. The Deputy Commissioner of Police,
Adyar Range, Adyar, Chennai-20.

3. The Inspector of Police,
J.7, Velachery Police Station,
Velachery, Chennai.

4. S.Sekar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents to produce the body of the petitioner's wife S.Priya Dharsini @ Barakath Nisha, daughter of S.Sekar, aged 18 years, before this Court and to hand over her custody to him.

For Petitioner : Mr.J.T.Rajasuriya

For Respondents : Mr.V.M.R.Rajentren,
1 to 3 Additional Public Prosecutor

ORDER

[Order of the Court was made by S.NAGAMUTHU,J]

The petitioner claims to be the husband of one S.Priya Dharsini @ Barakath Nisha, D/o.S.Sekar, aged about 18 years. According to the petitioner, a case was registered in Crime No.748 of 2016 on the file of the 3rd respondent for ''woman missing'' on the allegation that S.Priya Dharsini was found missing though the fact remains that she married the petitioner. Further, according to the petitioner, in connection with the said case, the detainee

was secured by the police and produced before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai. The learned Magistrate passed a judicial order handing over the detainee to the custody of her parents. Now, the petitioner has come up with this petition that he has got information that she is illegally detained by her parents.

2. We have heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3 and we have also perused the records carefully.

3. Even as per the affidavit filed by the petitioner, it is crystal clear that S.Priya Dharsini was secured by the police, produced before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai and on a judicial order passed, she has been entrusted to her parents. In this, if the petitioner has got any grievance, he can very well work out the same in the manner known to law. When there is one judicial order by the court in respect of the custody of the girl, there cannot be any further judicial order by this Court under the Habeas Corpus jurisdiction. In such view of the matter, we hold that this petition is not maintainable as the Habeas Corpus jurisdiction cannot be converted as an Appellate jurisdiction or Revisional jurisdiction.

4. In the result, the Habeas Corpus Petition is dismissed as not maintainable leaving it open to the petitioner to work out his remedy in the manner known to law.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-7.
2. The Deputy Commissioner of Police,
Adyar Range, Adyar, Chennai-20.
3. The Inspector of Police,
J.7, Velachery Police Station,
Velachery, Chennai.

4.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.N.S. Amarnath, Advocate, Sr. 29455

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