



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P(MD)No.1008 of 2016

S.Suresh

.. Petitioner

Vs.

1. The State Rep by its,
The Superintendent of Police,
Madurai District, Madurai.

2. The Inspector of Police,
Thirumangalam Police Station,
Madurai District.

3. I.Rajendran

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the the body or person of the petitioner's son, detenu, namely, Mithun, S/o.Suresh, aged about 7 months, before this Court from the illegal detention of the third respondent and hand over to the petitioner.

For petitioner : Mr.R.Boomirajan

For respondents 1&2 : Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Habeas Corpus Petition to direct the respondents 1 and 2 to cause the production of his seven months old son, by name, Mithun, who is stated to be in illegal custody of the third respondent.

2. The petitioner married a girl, by name, Sathya, the daughter of the third respondent. In the said wedlock, a male child was born on 29.12.2015. Subsequently, the wife of the petitioner died on 18.06.2016. The child is presently with the third respondent. The petitioner, being the biological father, seeks an



order to hand over the custody of the child to him.

3. The petitioner and the third respondent appeared before us.

4. The petitioner got a grievance that the third respondent is contemplating to give the child in adoption to one of his relatives. However, the third respondent maintained that there is no such proposal. He and his wife would look after the child, as the child is emotionally attached to them.

5. The child is now in the custody of his grandparents. The petitioner cannot be heard to say that the child is in illegal custody. It would not be possible for the petitioner to take the child to his house and maintain him, he being an employee of a hotel.

6. We record the undertaking given by the third respondent that the child would not be given in adoption.

7. The petitioner is given visitation rights to see the child on every Sunday. It is open to the parties to approach the concerned Family Court for appropriate relief.

8. The Habeas Corpus Petition is closed with the above observation.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Inspector of Police,
Thirumangalam Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.R.BOOMIRAJAN, ADVOCATE IN SR No. 46770

NB

TE/SS-2 : 19/09/2016 : 2P/5C

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ORDER MADE IN
H.C.P (MD) No.1008 of 2016
23.08.2016