



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P (MD) No.1052 of 2016

J.Pon Sam Athisayaraj

.. Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

2.The Inspector of Police
Sawyerpuram Police Station,
Sawyerpuram, Thoothukudi District.

3.Evelin

4.Daniel

5.Richmond

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the Respondents 1 and 2 herein to produce the body or person of the detenu by name P.CYRIL TRIFFINA, D/o J.Pon Sam Athisayaraj, aged about 7 years who has been illegally detained by the Respondents 3 to 5 herein and produce her before this Honourable Court and hand over to the petitioner.

For petitioner : Mr.N.Subramani

For R.1&2 : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

For R.3 to R.5 : Mr.K.Sekar

ORDER

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

The second respondent produced the minor girl by name P.Cyril Triffina, aged about seven years, before us. We have examined the minor girl. According to her, she is presently residing with her grandmother, who is arrayed as the third respondent herein. She informed us that she is not interested to go with the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Learned counsel for the petitioner submitted that the petitioner should be given visitation right.



3. Even according to the learned Counsel for the petitioner, the detinue is not in illegal custody. In fact, we are informed us that the third respondent has already filed a Guardian Original Petition seeking custody of the child. We are also informed that the wife of the petitioner earlier filed a divorce Petition. During the currency of the divorce petition, she died and as such, the divorce petition was dismissed as infructuous.

4. It is open to the concerned parties to make a request for an interim arrangement pending disposal of the Guardian Original Petition.

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

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

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

+1cc to M/s.K.Sekar, Advocate SR.No.47836

+1cc to M/s.A.Thiruvadikumar, Advocate SR.No.48383

H.C.P(MD)No.1052 of 2016

29.08.2016

ssm

SD/EM-MPA/18.10.2016/2P/3C