



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2016

CORAM:

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

H.C.P(MD)No.1100 of 2016

G.Banumeena

.. Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.
2.The Inspector of Police,
Tallakulam Police Station,
Madurai City.
3.K.Annamalai
4.K.Jegathambal
5.Chakravarthi
Inspector of Police,
Tallakulam Police Station,
Madurai City.

.. 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 body of the petitioner minor son, namely, Hari Krishna, aged about 7 years and hand over the custody of minor son namely, Hari Krishna to the petitioner.

For petitioner	: Mr.R.Aravind Raj
For respondents 1&2	: Mr.C.Mayil Vahana Rajendran Additional Public Prosecutor
For Respondents3&4	: Mr.T.Ajmal Khan
For Respondent 5	: Appeared in person

O R D E R

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

The third respondent produced the minor child before us. He apologised for taking away the minor child, without the permission of the petitioner and against her wishes.

2. The third respondent has already filed G.W.O.P.No.15 of 2016, before the Family Court, Madurai, seeking custody of the minor child, by name, Hari Krishna. The Original Petition is now



pending before the Family Court. The third respondent was not legally correct in taking away the minor child, during the currency of the Original Petition filed by him before the Family Court.

3. Earlier, the third respondent filed a Habeas Corpus Petition in H.C.P.(MD)No.544 of 2016. The petitioner herein appeared before us along with the child. We have sent the child with the petitioner. Such being the factual position, the third respondent was not correct in taking away the child forcibly. In the ordinary course, we would have imposed cost on the third respondent for his act of taking away the child forcibly. However, we refrain from doing so, in view of the apology tendered by the third respondent.

4. The minor child is handed over to the custody of the petitioner, who is none other than his mother.

5. We direct the third respondent not to take the child, by name, Hari Krishna, forcibly from the custody of the petitioner.

6. We have summoned the fifth respondent, in view of the allegations made against him. In view of the disposal of the Habeas Corpus Petition, we are not proceeding against the fifth respondent, taking into account the complaint made by the petitioner. However, we make it clear that the fifth respondent should be careful hereafter, especially when a complaint is preferred with regard to missing of minor child.

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

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To:

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Inspector of Police,
Tallakulam Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.Special Govt.Pleader SR.No. 46223

+1cc to Mr.N.Ananthapadmanaban, Advocate SR.No. 46334

JA-SKS-RR-01.09.2016/2P:6C

ORDER MADE IN

H.C.P (MD) No.1100 of 2016
22.08.2016