



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

HABEAS CORPUS PETITION(MD)No.178 of 2016

Valliammal

.. Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudkkottai District.

2.The Inspector of Police,
All Women Police Station,
Thirumayam,
Pudukkottai District.

3.AL.Rajendran

.. Respondents

Prayer:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents to produce the person or body of the detenu namely minor Sahana Rajendran, daughter of Rajendran, aged 1-1/2 years before this Court and hand over her custody to the petitioner and pass such further or other orders.

For Petitioner : Mr.A.Thiyagarajan

For RR 1 & 2 : Mr.K.S.Duraipandian
Additional Public Prosecutor

For R - 3 : Mr.M.Vivekanandan

ORDER

(Order of the Court was made by A.SELVAM, J)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to trace out and produce the detenu by name Sahana Rajendran, daughter of the petitioner and third respondent.

2. The petitioner is present and she has been identified by her counsel.



3. The second respondent viz., Inspector of Police, All Women Police Station, Thirumayam has produced the detenu along with third respondent.

4. It is an admitted fact that the detenu is daughter of the petitioner as well as third respondent. Now the detenu is under the care and custody of her father viz., third respondent. Since the detenu is under the care and custody of the third respondent, her custody cannot be treated as illegal. If at all the petitioner wants to have the custody of the detenu, she has to approach before the appropriate forum. With the above observation, this petition is liable to be dismissed.

5. In fine, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(CO) I/c

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai District.

2.The Inspector of Police,
All Women Police Station,
Thirumayam,
Pudukkottai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.Thiyagarajan, Advocate Sr.No.11481

+1cc to Mr.M.Vivekanandan, Advocate Sr.No.11333

ps

AA/NGM-SS/03.03.2016/2p-6c

**ORDER MADE IN
H.C.P(MD) No.178 of 2016
29.02.2016**