



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2016

CORAM

WEB COPY

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

HCP(MD)No.515 of 2016

P.Uthayakumar

.. Petitioner

Vs.

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

2.The Inspector of Police,
Melavalavu Police Station,
Melur Taluk,
Madurai District.

3.Renuga

.. Respondents

Habeas Corpus Petition is filed under Article 226 of the Constitution of India directing the 1st & 2nd Respondents to produce the body or person of the detenu namely VISHALI D/o. P. Uthaya kumar aged about 11 years before this Court and hand over to the Petitioner's custody.

For Petitioner	:	Mr.M.S.Jeya Karthik
For RR - 1 & 2	:	Mr.C.Mayl Vahana Rajendran Addl.Public Prosecutor
For R - 3	:	Mr.M.Subash Babu

ORDER

(Order of the Court was made by **K.K.SASIDHARAN, J.**)

The minor child of the petitioner along with her mother and grandmother appeared before us yesterday. After examining the minor, we passed the following order on 09.06.2016.

"The second respondent produced the detenu

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

We examined the child aged about 11 years.

The child informed us she is not in illegal



custody and she is presently living along with the mother at the residence of the third respondent, who is none other than her grand mother. According to the child, she is kept in the sister's house of the petitioner earlier and she is not interested to go with the petitioner. She wants to stay with the mother at the residence of grandmother.

Since the child is not in illegal custody and she is living with the mother presently, we do not find any reason to adjudicate the issue raised by the petitioner.

Even though the matter is specifically posted today, the fact remains, the petitioner has not appeared before this Court.

The learned counsel for the petitioner wanted to post this matter tomorrow.

Post on 10.06.2016."

2.Since the petitioner was absent, his counsel wanted the matter to be posted today.

3.When the matter was taken up today, the petitioner appeared before us and submitted that his wife is not mentally alright and she should not be given custody of the child.

4.Since the child informed that she is not in illegal custody and the mother and grandmother of the child are preventing the child from meeting her father, we are not in a position to agree to the request made by the petitioner. It is open to the petitioner to approach the concerned family Court for appropriate remedy, in case he is aggrieved. This order would not stand in the way of the family Court, from passing appropriate orders in the matter.

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

Sd/-

Assistant Registrar(crl.side)

/True copy/

Sub AssistantRegistrar

To

1.The Superintendent of Police,
Madurai District,



2.The Inspector of Police,
Melavalavu Police Station,
Melur Taluk,
Madurai District.

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

+1cc to M/s.M.Subash Babu, Advocate SR.No.29870

+1cc to M/s.M.S.Jeyakarthik, Advocate SR.No.29504

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HCP (MD) No.515 of 2016