



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE DR.JUSTICE S.VIMALA

Habeas Corpus Petition (MD).No.95 of 2016

1.Sakthivel
2.Kavitha

.. Petitioners

Vs.

1. State represented by the
Superintendent of Police,
Ramanadhapuram District,
Ramanadhapuram.

2. The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

3.Ramaneeshwari
4.Prema
5.Thilaga
6.Parimala

.. Respondents

(P2 and R6 are impleaded as per the order of this Court dated 21.03.2016 in CrI.M.P.(MD).No.2479 of 2016)

Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents Nos.1 and 2 herein to produce the body or person of the petitioner's female infant D/o.Sakthivel, aged about three months before this Court and hand over the custody to the petitioner.

For petitioners : Mr.S.M.A.Jinnah

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

For 3rd respondent : No appearance

For 4th respondent : No appearance

<https://hcservices.courts.gov.in/hcservices> For 5th respondent : Mr.G.Prabhu Rajadurai

For 6th respondent : Mr.R.Maheswaran

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

The detenu - a female baby was produced before us by one Mr.V.Pandi, Social Worker, Grace Kennet Foundation, Ellis Nagar, Madurai.

2.Pursuant to the earlier order dated 28.04.2016 passed by this Court, the DNA test was conducted. The test confirmed that the child was born to the first petitioner and his wife Kavitha. The child was handed over to the petitioners by name Sakthivel and Kavitha in open Court.

3.The learned counsel for the petitioners submitted that action should be taken against the respondents 3 to 5 for taking the child from the custody of the second petitioner without her knowledge or consent.

4.The scope of this Habeas Corpus Petition is very limited. This Court cannot enlarge the scope of the proceedings by conducting a fishing enquiry in respect of the alleged act of the respondents 3 to 5. It is always open to the petitioners to take appropriate action in accordance with law, if they are still aggrieved.

5.This Habeas Corpus Petition is disposed of with the above observation.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar (CS)

To

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

2. The Inspector of Police, Kenikkarai Police Station,
Ramanathapuram District.

+1cc to M/s.S.M.A.Jinnah, Advocate, Sr.No.28248

+1cc to M/s.G.Prabhu Rajadurai, Advocate, Sr.No.28775

+1cc to M/s.Ajmal Associates, Sr.No.28619

gcg

JM/DB/17.06.2016/2P-6C

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