

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2017

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.1096 of 2017

M.Kiruthiga

... Petitioner

Vs.

1. The Inspector of Police,
Women's Police Station,
CTS Salai, Thirumullaivoyal,
Chennai-600 062
2. Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery, Chennai-7.
3. R.Arunraja
4. Usha
5. Archana
6. Ramasamy

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the first respondent to secure the petitioner's only child A.Yathvik, who is only 1 year and three months old, who is in illegal detention by respondent Nos.3 and 6 since 01.06.2017 and produce him before this Court and hand over child to his mother (petitioner).

For Petitioner : Mr.S.Surya Devi

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor
For R1 and R2
Mr.A.Muthuraman for R3 to R6

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 to 2 to trace out and produce the male child of the petitioner, by name, Yathvik, aged one year three months, child of the petitioner.

2.The petitioner is present and she has been identified by her counsel. The respondents 3 to 6 are also present.

3.The third respondent is none other than the husband of the petitioner and father of the detenu.

4.Now the detenu is under the care and custody of the petitioner.

5.Considering the fact that the petitioner is the mother of the detenu and also considering the age of the detenu, this Court is inclined to pass the following order:

In fine, the petitioner is permitted to have custody of the detenu. The third respondent is at liberty to see the detenu as and when he likes. The petitioner should not raise any objection.

6. With the above observation, this habeas corpus petition is disposed of.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

msh

To

1. The Inspector of Police,
Women's Police Station,
CTS Salai, Thirumullaivoyal,
Chennai-600 062
2. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai-7.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Prachakaran, Advocate, S.R.No.54288

+1cc to Mr.A.Muthuraman, Advocate, S.R.No.53696

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