

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2017

CORAM:

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

H.C.P.No.1103 of 2017

A.Suresh Kumar

... Petitioner

vs.

1.The Superintendent of Police,
Collectorate Compound,
Vandavasi Road,
Kancheepuram HO,
Kancheepuram-631 501

2.The Inspector of Police,
D6 Police Station,
Maraimalai Nagar,
No.1, Sidco Industrial Estate,
Periyar Salai,
Maraimalai Nagar,
Chennai-603 209

3.V.Ambika

..... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the respondents herein to produce the body of the petitioner minor son, Master AATHISH, aged about 2 year 8 months before this Court and direct the respondents to handover the minor son to the petitioner herein before this Court.

For Petitioner : Mr.K.Ramanamoorthy
For Respondents : Mr.V.M.R.Rajentren, Addl.P.P.
for R1 and R2
Mr.M.V.V.N.Sivanty (R3)

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, Aathish, aged 2 years 8 months, son of the petitioner.

2. The petitioner is present and he has been identified by his counsel.

3. The third respondent, viz., the wife of the petitioner, has produced the detenu and he has been identified by the petitioner.

4. Since the third respondent is the mother of the detenu, the custody of the detenu by the third respondent cannot be treated as illegal. Under the said circumstances, the relief sought in the petition has become infructuous. However, the petitioner can seek his remedy through proper forum. With the above observation, this habeas corpus petition is liable to be dismissed.

In fine this habeas corpus petition is dismissed. The petitioner is at liberty to see the detenu once in 15 days.

Sd/-
Asst. Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The Superintendent of Police,
Collectorate Compound,
Vandavasi Road,
Kancheepuram HO,
Kancheepuram-631 501
2. The Inspector of Police,
D6 Police Station,
Maraimalai Nagar,
No.1, Sidco Industrial Estate,
Periyar Salai,
Maraimalai Nagar,
Chennai-603 209
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.M.V.V.N.Sivanty, Advocate in sr.no.49502
+1cc to M/s.K.Ramanamoorthy, Advocate in sr.no.49232

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SAI(CO)
NR 24/07/2017