

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM:

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

H.C.P.No.1107 of 2017

H.Geetha

... Petitioner

vs.

1.Inspector of Police,
S-7, Madipakkam Police Station,
Madipakkam,
Chennai-91.

2.S.Hariharan
3.S.Surya Pushpavalli
4.S.Siddhanantham

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the respondent police to produce the missing girl Azitha, aged about 5 years, daughter of Hariharan, who is under the illegal custody of the respondents 2, 3 and 4 before this Court and set her at liberty

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents : Mr.V.M.R.Rajentren, Addl.P.P.
for R1
Mr.R.Sriram for R2

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 first respondent to trace out and produce the detainee, by name, Azitha, aged 5 years, the daughter of the petitioner and second respondent.

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

3.The second respondent, viz., father of the detainee, has produced the detainee and further the second respondent has been identified by his counsel.

4.The learned counsel appearing for the petitioner has contended to the effect that the petitioner is the mother of the detinue and now she is entitled to have custody of the detinue. The second respondent has forcibly taken the detinue from the custody of the petitioner. Under such circumstances, the present petition has been filed for getting the relief sought therein.

5.The learned counsel appearing for the second respondent has also equally contended to the effect that the detinue is now under proper care and custody of the second respondent and further, the detinue is being given proper education.

6.In fact, this Court has enquired the detinue and she expressed her willingness to go with the second respondent/her father.

7.Considering the aforesaid factual circumstances, this Court is of the view that the relief sought in the petition cannot be granted to the petitioner. However, the petitioner is at liberty to file proper petition before proper forum. With the above observation, this petition is liable to be dismissed.

In fine, this habeas corpus petition is dismissed. However, the petitioner is at liberty to institute a separate proceeding before proper forum for getting custody of the detinue.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

msk

To

1.Inspector of Police,
S-7, Madipakkam Police Station,
Madipakkam,
Chennai-91.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sriram,Advocate sr.48484

+1cc to Mr.R.C.Paul Kanagaraj,Advocate sr.48465

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