

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2017

CORAM:

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

H.C.P.No.1137 of 2017

K.Saravanan ... Petitioner
vs.

1.Inspector of Police,
E8-Kelambakkam Police Station,
Kancheepuram District.

2.Venkatesan ... 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 produce the body of the petitioner's minor daughter K.S.Keerthana, aged 5 years, before this Court and set her at liberty.

For Petitioner : Mr.Hasan Mohammed Jinnah

For Respondents :Mr.V.M.R.Rajentren, Addl.P.P.
for R1
Mr.F.Deepak 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, Keerthana, aged 5 years, daughter of the petitioner.

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

3.The second respondent/the maternal uncle of the detinue has produced her. The petitioner has identified her.

4.In fact, this Court has enquired the detinue and she does not like to go with the petitioner.

5.Considering the aforesaid factual circumstances and also considering the relationship between the detinue and second respondent, this Court feels that the custody of the detinue cannot be given to the petitioner. Further it is learnt that a guardian Original Petition is pending before the concerned forum.

6.Considering the aforesaid factual circumstances, the relief sought in the petition cannot be granted. The petitioner is at liberty to see the detinue in the house of the second respondent as and when he likes.

In fine this habeas corpus petition is dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msk

To

- 1.The Inspector of Police,
E8-Kelambakkam Police Station,
Kancheepuram District.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The Joint Secretary to Government,
Public (Law & Order) Fort St.George,
Chennai-600 009.

+1cc to Mr.Hasan Mohamed Jinnah, Advocate SR.No.51318
+1cc to MR.F.Deepak, Advocate SR.No.51459

H.C.P.No.1137 of 2017

AK(CO)
GN(21/07/2017)