

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

CORAM:

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

H.C.P.No.1225 of 2017

R.M.Suresh ... Petitioner

vs.

1.The Inspector of Police,
E-1, Mylapore Police Station,
Chennai-600 004.

2.S.Nirmala ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to produce the petitioner's child Srivarsha, aged 6 years, presently with the 2nd respondent to undergo appropriate medical intervention in the best interest of the child.

For Petitioner : Mr.D.Geetha

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

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, Srivarsha, aged 6 years, daughter of the petitioner and second respondent.

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

3.The second respondent, viz., the wife of the petitioner has produced the detainee.

4.It is contended on the side of the petitioner that the detainee has been suffering from hearing problem and the second respondent is not amenable to give proper treatment.

5.Considering the fact that the second respondent is mother of the detainee, the custody of the detainee cannot be treated as illegal. Under such circumstances, this Court is inclined to pass the following order.

In fine, the petitioner is at liberty to file proper petition for getting custody of the detinue before proper forum.

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

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

msk

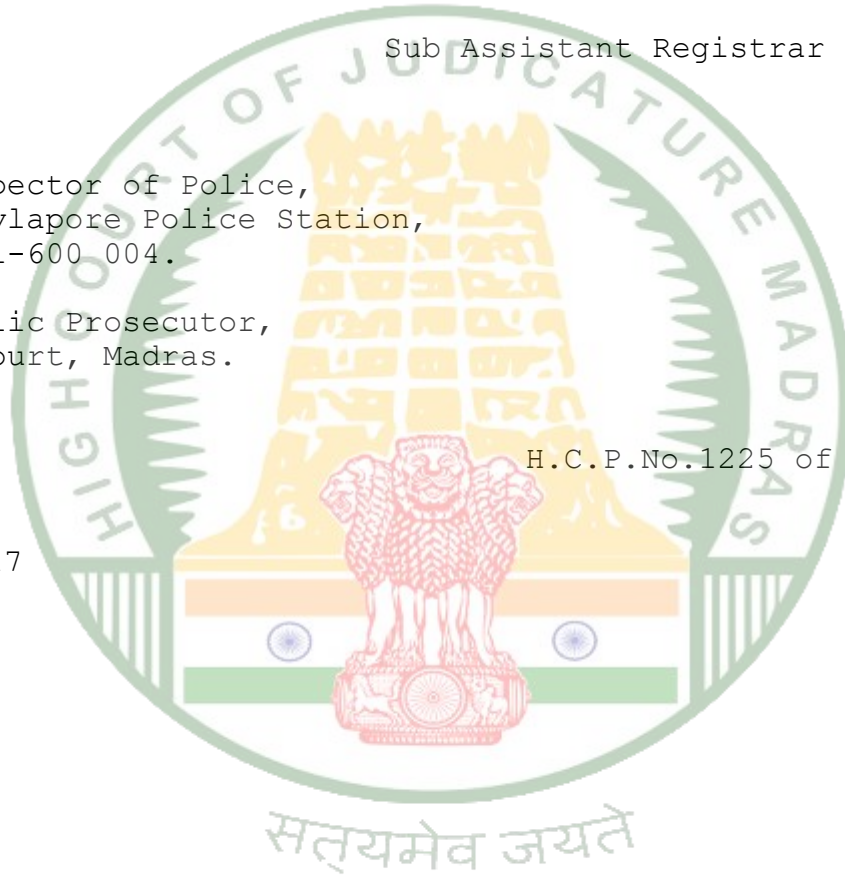
To

1.The Inspector of Police,
E-1, Mylapore Police Station,
Chennai-600 004.

2.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1225 of 2017

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