IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2017

CORAM

THE HON'BLE Mr.JUSTICE A.SELVAM
and
THE HON'BLE Mr.JUSTICE P.KALAIYARASAN

H.C.P.No.1297 of 2017

Ramya .. Petitioner

Vs

1.The Inspector of Police,
All Women Police Station,
Tiruppur North, Tiruppur District.

2.The Commissioner of Police,
Tiruppur.

3.Maheshwaran .. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, to direct the 1st respondent to make investigation in the complaint in petition No.327 of 2017 on the file of the 1st respondent and produce the detenu minor Monish, aged about 2½ years who disappeared on 02.07.2017 before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.S.Kaithamalai Kumaran
For R1 and R2 : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

O R D E R

[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 detenue by name, Monish, aged 2½ years, son of the petitioner and the 3rd respondent.

2. The petitioner is present and she has been identified by her counsel. The 3rd respondent, father of the detenu has produced the detenue and also identified by the petitioner.

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3. In fact, this Court has directed the petitioner to go with the 3rd respondent. But the petitioner has refused.

4. Considering the fact that the 3rd respondent is the father of the detenu and for the past 35 days, the detenu is under the care and custody of the 3rd respondent/his father, this Court is inclined to pass the following order:

"In fine, the petitioner is directed to file relevant petition before the concerned Court for getting custody of the detenu."

5. With the above observation, this petition is disposed of.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gya

To
1.The Inspector of Police,
All Women Police Station,
Tiruppur North,
Tiruppur District.

2.The Commissioner of Police,
Tiruppur.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. Marudachalamurhty, Advocate SR.57764
+ 1 cc to Mr. A.K. Kumaraswamy, Advocate SR.57770

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MG(CO)
EU 31.08.17

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