

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.1342 of 2017

M.Bakkiyaraj

... Petitioner

vs.

1. The Inspector of Police,
K-7, ICF Police Station,
Ayanavaram,
Chennai.

2. Mrs.Saraswathi

3. Mrs.Maheswari

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the first respondent police to produce B.Shree Rangeeni, daughter of the petitioner (M.Bakkiyaraj), aged about 2 ½ years before this Court and hand over the minor child B.Shree Rangeeni to the petitioner, who is the natural guardian of the said B.Shree Rangeeni and set her at liberty.

For Petitioner : Mr.S.Sivakumar

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

For R1

Mr.S.Rajan Babu for

M/s.Raji and Rajan Associates

for R2 and 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 first respondent, to trace out and produce the detinue, by name, B.Shree Rangeeni, aged 2 1/2 years, daughter of the petitioner.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3.The third respondent, who is none other than the maternal grandmother of the detinue has produced her.

4.It is represented on the side of the petitioner that the petitioner, being the father of the detenue, is a natural guardian and entitled to have custody of the detenue.

5.Likewise, the learned counsel appearing for the respondents 2 and 3 has also equally contended to the effect that due to sudden demise of wife of the petitioner, by name, Kalpana, a criminal case has been registered in Crime No.21 of 2017, on the file of K-7 Police Station, Triplicane, under Section 174 of the Code of Criminal Procedure, 1973 and subsequently after examination of witnesses, altered into Sections 498-A and 304-B of the Indian Penal Code.

6.In fact, this Court has perused the entire case diary and found that in Crime No.21 of 2017, the present petitioner has been arrayed as an accused. Further it is learnt from enquiry that for the past eight months, the detenue is under the care and custody of her maternal grandmother, viz., the third respondent herein.

7.Considering the fact that the petitioner is facing a criminal case and also considering that for giving detenue to the custody of the petitioner, some reliable evidence is required. Under the said circumstances, the Court is inclined to pass the following order:

In fine, the petitioner is directed to file a relevant petition before the concerned Court for getting legal custody of the detenue.

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

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

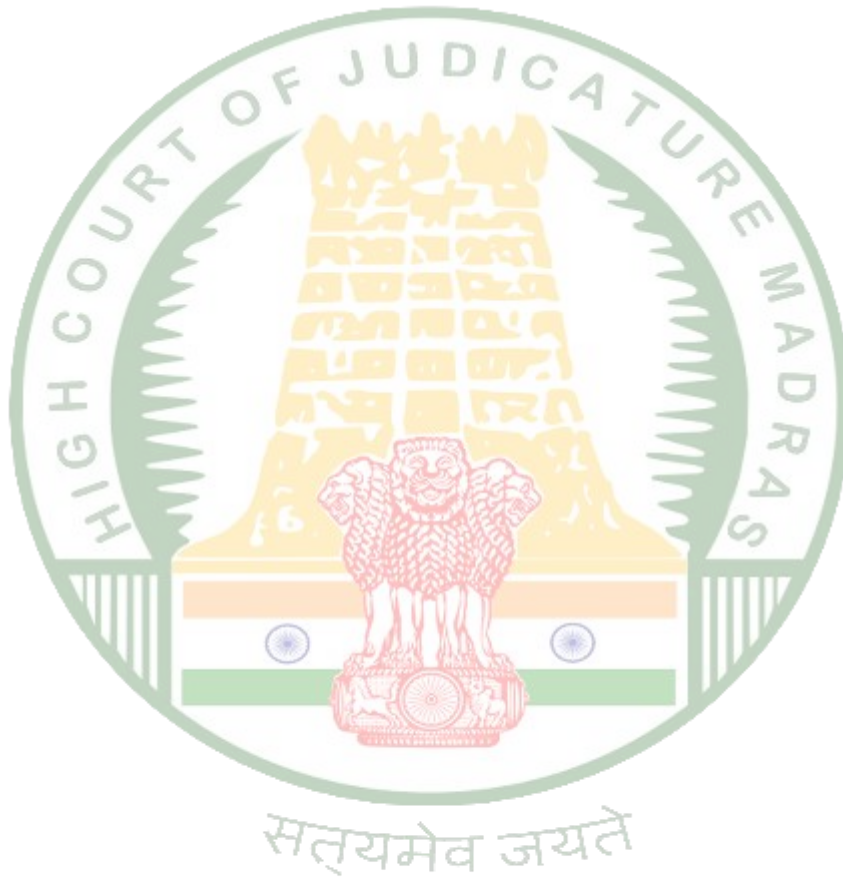
To

1. The Inspector of Police,
K-7, ICF Police Station,
Ayanavaram,
Chennai.
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police
K 7, Triplicane Police Station
Chennai 5.

+1 CC to Ms. Raji & Rajan, Advocate sr 57669
+1 CC to Mr.S. Sivakumar, advocate sr 57804.

H.C.P.No.1342 of 2017

KJI (CO)
sp(24/08/2017)



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