

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2017

Coram:

THE HON'BLE MR.JUSTICE RAJIV SHAKDER
and
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.1406 of 2017

D. Karthik

... Petitioner

Vs.

1.The State Rep. By

The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai - 01.

2. The Commissioner of Police,

Office of the Commissioner of Police,
Vepery, Chennai - 07.

3. Mrs. Kalanchiya Rani

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondent herein to produce the son of the petitioner namely Riyan aged 3 years before this court and set the victim at liberty.

For Petitioner : Mr.S. Madhusudanan

For Respondents : Mr.V.M.R.Rajentran,

Addl. Public Prosecutor for R1 & R2

For Respondent 3 : M/s.T.Muruganantham

O R D E R

(Order of the Court was made by RAJIV SHAKDER, J.)

1. The instant petition has been filed by, one, Mr.D.Karthik, seeking direction for production of his son Riyan, who, presently, is in the custody of respondent No.3, that is, his grandmother.

2. It appears that respondent No.3 took custody of Master Riyan after the death of her daughter.

3. In the affidavit, accompanying the petition, it is stated that the petitioner's wife, i.e., the mother of Master Riyan was a heart patient and was taking treatment for the said purpose.

4. Admittedly, petitioner's wife is died.

5. It is not disputed before us that respondent No.3 has initiated proceedings under the Guardian and Wards Act, 1890, before the Principal District and Sessions Court, Madurai.

5.1. This proceeding is numbered as : H.M.G.W.O.P.No.3 of 2017.

6. In our view no intercession is required at present.

6.1. The petitioner can agitate his rights in the proceedings pending before the Principal District and Sessions Judge, Madurai.

7. This petition is, accordingly, dismissed.

8. The order passed by us, today, will not impact the proceedings pending before the Principal District and Sessions Judge, Madurai.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

ggs/gg

To

1. The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai - 01.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 07.
3. The Principal District and Sessions Judge,
Madurai.
4. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc M/s.T.Muruganantham, Advocate in sr.no.71936

H.C.P.No.1406 of 2017

NR 13/10/2017