

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2017

CORAM:

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

H.C.P.No.1425 of 2017

M.S.Noushad Begum

... Petitioner

vs.

1. State,rep.by  
The Inspector of Police,  
J12 Muttukadu Police Station,  
Kannathur, ECR Road,  
Chennai-603 112

2. The Commissioner of Police,  
Veppery, Chennai.

3. Mr.Sharfudeen

4. Jamila

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the respondents 1 and 2 to cause the production of the body of the detenu who is Rifha Mehak, D/o.Noushad Begum, aged about 1 ½ years old, from the illegal custody of the respondents 3 to 4 and produce before this Court and hand over custody to the petitioner.

For Petitioner : Mr.S.Ramajayam

For Respondents : Mr.V.M.R.Rajentren, Addl.P.P.  
for R1 & 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 respondents 1 and 2 to trace out and produce the detenu, by name, Rifha Mehak, aged 1 ½ years, daughter of the petitioner and third respondent.

2. The petitioner is present and she has been identified by her counsel.

3.The third respondent, viz., the father of the detinuee has produced her.

4.Considering the status of the third respondent, the Court cannot come to a conclusion that the third respondent has been illegally detaining the detinuee. Under such circumstances, this Court is inclined to pass the following order:

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

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

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Inspector of Police,  
J12 Muttukadu Police Station,  
Kannathur, ECR Road,  
Chennai-603 112

2. The Commissioner of Police,  
Veppery, Chennai.

3. The Public Prosecutor,  
High Court, Madras.

+1cc to M/s.S.Ramajayam, Advocate, S.R.No.59877

H.C.P.No.1425 of 2017

RR(CO)  
CU(29/08/2017)