

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2017

CORAM:

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

H.C.P.No.1473 of 2017

E.Selvakumar

... Petitioner

vs.

1. Assistant Commissioner of Police,
O/o.Assistant Commissioner of Police,
Aynavaram Range, Secretariat Colony,
Chennai.

2. The Inspector off Police,
W6, All Women Police Station,
Aynavaram, Chennai-600 023

3. Mrs.S.Devi

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to call for the records in respect of CSR No.215/2017, dated 01.08.2017, on the file of 2nd respondent police herein and direct the third respondent to produce the minor children viz., S.Sandhiya, aged 8 years and S.Sowmiya, aged 5 years, through 2nd respondent police, before this Court and set him at liberty, considering their safety and security forthwith.

For Petitioner

: Mr.K.N.Nataraj

For Respondents

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

For R1 and R2

Mr.Perumbulavi/Radhakrishnan for
M/s.D/Dayalan for 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

respondents 1 and 2 to trace out and produce the detenu, namely, S.Sandhiya, aged 8 years and S.Sowmiya, aged 5 years, daughters of both the petitioner and third respondent.

2.It is averred in the petition that the third respondent is the wife of the petitioner and she illegally detains the detenu. Under such circumstances, the present petition has been filed.

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

4.The third respondent, viz., mother of the detenu, has produced them and identified by the petitioner.

5.Considering the relationship between the third respondent and detenu, this Court is of the view that the custody of the detenu under the third respondent cannot be treated as illegal and therefore, 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 detenu before proper forum.

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

Sd/-
Asst.Registrar (CO)

/true copy/

सत्यमेव जयते Sub Asst. Registrar

msk

To

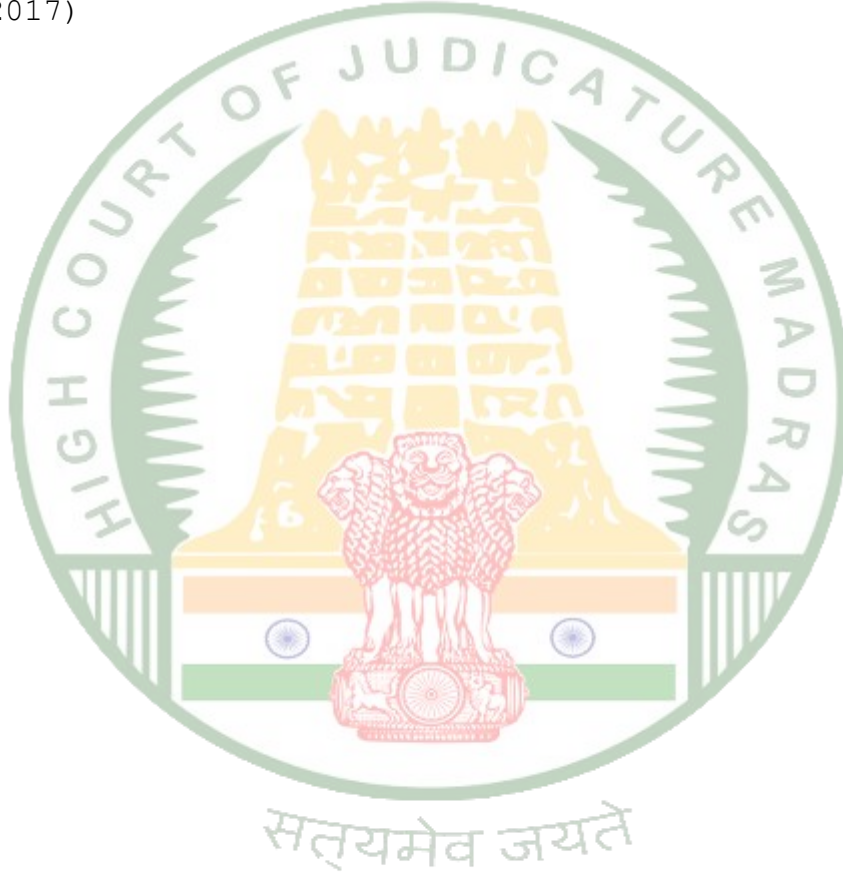
1. Assistant Commissioner of Police,
O/o.Assistant Commissioner of Police,
Aynavaram Range, Secretariat Colony,
Chennai.
2. The Inspector off Police,
W6, All Women Police Station,
Aynavaram, Chennai-600 023

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Perumbulavi Radhakrishnan, Advocate Sr. 61879
+lcc to Mr.N.Nataraj, Advocate Sr. 62193

H.C.P.No.1473 of 2017

KK (CO)
VR(14/09/2017)



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