

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.11.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.1485 of 2017
and Crl.M.P.No.14148 of 2017

Mrs.Marry Jose

... Petitioner

Vs.

- 1.The Inspector of Police
M3, Puzhal Police Station
Puzhal, Chennai - 600 066.
- 2.The Child Welfare Committee
Rep. By its Chairperson
Integrated Rural Community
Development Society,
Government of Tamil Nadu
No.13, Dr.Abdul Kalam Street
MDM Nagar, Tiruvallur
Chennai 602 001.
- 3.Mrs.Ruby Thiruchelvam
- 4.Mr.T.Stanislaus James Sathees
- 5.Union of India,
Rep. By its Secretary,
Ministry of External Affairs
South Block Building,
Raisina Hill, New Delhi.
- 6.The Secretary
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi.
(R4 to R6 impleaded as per the order of this
Court dated 10.10.2017 in Crl.M.P.No.12675/2017)

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing respondent No.1 to produce the petitioner's grand daughter, viz., S.Kiana,

Daughter of T.Stanislaus James Sathees, aged about 5 years, presently in the custody of respondent No.3, who is the resident of G2 Bharani Homes, 4th Cross Street, Gokulam Nagar, Madipakkam, Chennai - 91 before this Court and set her at liberty.

For Petitioner : Mr.M.Radhakrishnan
For Respondents : Mr.V.M.R.Rajentran,
Addl. Public Prosecutor for R1 & R2.
Mr.Devaraj for R3
Mr.Joseph Christopher for R4
Mr.Arockiam, CGSC for R5 & R6

O R D E R

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

1. Mr.Joseph Christopher, who appears on behalf of the fourth respondent says that since the detenu / Ms.S.Kiana has not, presently, adjusted with Ms.Metilda Thiraivanayagam, who is the sister of the fourth respondent, he has instructions to convey to the Court that the detenu / Ms.S.Kiana can be handed over to the petitioner.

1.1. To be noted, the petitioner is the maternal grandmother of the detenu / Ms.S.Kiana.

2. Ms.Metilda Thiraivanayagam, i.e., the sister of the fourth respondent, says that she has no objection in handing over the detenu / Ms.S.Kiana to the petitioner. Ms.Metilda Thiraivanayagam says she has obtained the fourth respondent's consent in this behalf.

3. The petitioner, on the other hand, says that, if she is given prior information by Ms.Metilda Thiraivanayagam or the fourth respondent, she will, herself, take the detenu / Ms.S.Kiana to Ms.Metilda Thiraivanayagam's house for interaction. The petitioner also makes a statement before us that the detenu / Ms.S.Kiana, will not be taken out of the country, without the permission of this Court.

3.1. Furthermore, the petitioner says that, whenever, the fourth respondent i.e., the father of the detenu/Ms.S.Kiana visits India, she will handover her custody to him for the period of his stay in the country.

3.2. In case, the fourth respondent wishes to interact with the detenu / Ms.S.Kiana, on phone from United Kingdom, the petitioner will grant access, in that behalf, to the fourth respondent.

4. In these circumstances, Mr.Radhakrishnan, learned counsel for the petitioner says that, he does not wish to press the petition any further.

5. The petition is, accordingly, closed. Consequently, the connected pending application shall stand closed.

Sd/--

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police
M3, Puzhal Police Station
Puzhal, Chennai - 600 066.

2.The Chairperson,
Child Welfare Committee
Integrated Rural Community
Development Society,
Government of Tamil Nadu
No.13, Dr.Abdul Kalam Street
MDM Nagar, Tiruvallur
Chennai 602 001.

3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.Arockiam, Advocate Sr.No.81209

+1cc to Mr.Joseph Christopher, Advocate Sr.No.81206

सत्यमेव जयते

H.C.P.No.1485 of 2017
and Cr1.M.P.No.14148 of 2017

MG(CO)

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