

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.11.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR
H.C.P.No.2030 of 2017

Mrs.R.Pachaiammal

... Petitioner

Vs.

1.The Commissioner of Police
Greater Chennai,
Vepery, Chennai - 600 007.

2.The Inspector of Police
G1, Vepery Police Station
Veperty, Chennai - 600 007.

3.Mrs.Parimala

4.S.Lakshmikanthan

5.D.Vasanthakumari

6.D.Chandrasekar

7.L.Manjushree

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the petitioner's son R.Vijay Akash, son of late D.Rajendran, now aged about 15 years, before this Court either in person or his body and set him a liberty and handover the custody of son to the petitioner.

For Petitioner : Mr.S.Prabakar

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

Addl. Public Prosecutor for R1 & R2.

ORDER

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

1. A perusal of the affidavit, accompanying the petition, shows that the petitioner has filed proceedings under the Guardian and Wards Act, which are numbered as G.W.O.P.No.2417 of 2010. According to the petitioner, respondent No.4 is her sister-in-law, who has also filed a petition, albeit, in this Court, which is numbered as : O.P.No.538 of 2016.

2. In the present petition, direction is sought to secure the presence of the petitioner's son i.e., Master R.Vijay Akash, who is in the custody of respondent Nos.3 to 7. Respondent Nos.3 to 7 are the relatives of the husband of the petitioner, who, admittedly, died on 08.04.2016.

3. As a matter of fact, even according to the petitioner, proceedings for restoration of conjugal rights and divorce were triggered between the petitioner and her late husband due to marital discord.

3.1. Counsel for the petitioner concedes that the detenu/Master Vijay Akash, has been in the custody of respondent Nos.3 to 7, who are, as indicated above, relatives of the deceased husband of the petitioner.

4. In these circumstances, according to us, no directions can be issued in the instant proceedings. The petitioner will be entitled to take recourse to appropriate proceedings, albeit, in accordance with law. Accordingly, the petition is closed.

5. We make it clear that anything said here will not come in the way of the petitioner in prosecuting the other proceedings to secure the custody of the detenu/Master Vijay Akash.

(R.S.A., J.)

(N.S.K., J.)

01.11.2017

Index : yes/no

vsm

To

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Veperty, Chennai - 600 007.

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

RAJIV SHAKDER, J.

and

N.SATHISH KUMAR, J.

vsm



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