

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.453 of 2017

Rebecca Katherine.S .. Petitioner

Vs

1. The Inspector of Police,
K-9, Thiru-Vi-Ka Nagar Police Station,
Thiru Vi Ka Nagar, Chennai

2. Dennis Peter Scurville ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus of any other writ of direction to direct the respondents to produce the body and person of the detainee minor Leah Katherine Scurville, aged 6 years, daughter of the petitioner before this Court, who is under the custody and confined secretly by the second respondent and set her at liberty.

For Petitioner : Ms.D. Revathi Karthik

For respondents: Mr.V.M.R. Rajentran
Addl. Public Prosecutor

ORDER

(Order of the Court was made by S. NAGAMUTHU,J.,)

The petitioner is the mother of one Leah Katherine Scurville, aged 6 years. The second respondent is the husband of the petitioner. According to the petitioner, the child is now in the custody of the second respondent.

2. According to the petitioner, the second respondent has filed a petition in CrI.O.P.No.466 of 2016 under the Guardian's and Wards Act, before the I Additional Family Court, Chennai and the child is illegally detained by the second respondent.

3. In the affidavit, filed in support of the petition, in respect of a custody of the child, the petitioner has stated that an ex-parte order has been passed in favour of the second respondent. When that be so, in our considered view, the custody of the child with the second respondent, cannot be termed as an illegal detention. The remedy for the petitioner lies before the Civil Court. In such view of the matter, we find there is no illegal detention. Hence we are unable to grant any relief to the petitioner. The Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sr/jer
To

1. The Inspector of Police,
K-9, Thiru-Vi-Ka Nagar Police Station,
Thiru Vi Ka Nagar, Chennai
2. The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.D.Revathi Karthik, Advocate Sr.18991

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