

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2017

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN  
and  
THE HON'BLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.64 of 2017

Saranya Devi

...Petitioner

Vs

- 1.Bharathi Raja
- 2.Palani
- 3.Manoranjith
- 4.State,

rep by Inspector of Police,  
T-12, Poonamallee Police Station,  
Chennai,  
(Crime No.39 of 2017)

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, directing the respondents to cause production of the body of the petitioner's Baby Kairav, son of Bharathiraja, aged about 1 year, before this court and to hand over the custody to the petitioner.

For Petitioner : Mr.I.Paranthamen

For Respondents: Mr.V.M.R.Rajentran, APP for R-4

ORDER

[Order of the Court was made by M.JAICHANDREN, J. ]

Heard.

2 This Habeas Corpus Petition has been filed, praying that this Court may be pleased to direct the respondents to produce the petitioner's child, Kairav, aged about 1 year, before this Court and to set him at liberty.

3 It had been stated that the petitioner is the mother of the minor child, namely, Kairav. It had been further stated that the detenu, namely, the minor child Kairav, had been taken away, forcibly, by the first respondent, who is the father of the child, without the consent of the petitioner. Hence, the custody of the minor child, with the first respondent, is illegal. In such circumstances, the petitioner had given a compliant before the fourth respondent Police, on 6.1.2017. The said complaint had been registered by the fourth respondent, on 7.1.2017, in Crime No.39 of 2017.

4 In view of the fact that the minor child, namely, Kairav, is in the custody of his father, the first respondent herein, this Court is not inclined to presume that the said custody is, prima facie, illegal in nature. Hence, we are not inclined to grant the relief, as prayed for in the present Habeas Corpus Petition. Hence, the Habeas Corpus Petition stands dismissed. However, it may be open to the petitioner to seek her remedies, if any, with regard to the custody of the minor child, namely, Kairav, before the appropriate forum, in the manner known to law.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Inspector of Police,  
T-12, Poonamallee Police Station,  
Chennai.
2. The Public Prosecutor,  
High Court, Madras.

SV(CO)  
RS(14/02/2017)

H.C.P.No.64 of 2017