

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2017

CORAM

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

H.C.P.No.670 OF 2017

K.Kavitha

.. Petitioner

-vs-

1.The Superintendent of Police,
Kanchipuram District,
Kanchipuram.

2.The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai - 96.

3.Kalidhass

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to direct the 2nd respondent to produce the body of male child, the dentenu namely K.K.Pavin Sarvesh, 11 months old mother feeding child from the illegal custody of 3rd respondent, before this Hon'ble Court and set him at liberty at once.

For Petitioner : Mr.R.Radha Pandian

For Respondents : Mr.P.Govindarajan for R1 and R2
Addl.Public Prosecutor

O R D E R

NOOTY.RAMAMOHANA RAO, J.

This Habeas Corpus Petition is instituted by one Smt.K.Kavitha claiming to be the mother of one year old child by name Pavin Sarvesh. She has also produced before us, Aadhar Card bearing No.3394 6388 4547, and also the Identity Card issued by the TATA Consultancy Services bearing No.202532, where she is working. We are, therefore, satisfied about the identity of the petitioner.

2.It is one of the most unfortunate cases, that we had to deal with. From out of the the unhappy marriage life which the petitioner contracted, a son was born to her on 25.05.2016, her husband is stated to have treated her very badly and also driven her out of matrimonial home, while simultaneously retaining the custody of the 11 month old child. The Police have now restored the custody of the child to the petitioner and the Police have also brought to our notice that on 08.05.2017, the husband of the petitioner has committed suicide at Coimbatore.

3.In these set of circumstances, we allow this Petition and we have entrusted the custody of the one year old minor child by name Pavin Sarvesh to the petitioner.

With this order, the Habeas Corpus Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

si/rpa

To

1. The Superintendent of Police,
Kanchipuram District,
Kanchipuram.
2. The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai - 96.
3. The Additional Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.R.Radhapandian, Advocate in sr.no.71999

H.C.P.No.670 OF 2017

SV(CO)
NR 30/06/2017