

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2017

CORAM:

The Hon'ble Mr.Justice A.SELVAM
and
The Hon'ble Mr.Justice P.KALAIYARASAN

H.C.P. No.978 of 2017

S.Suganya

..Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Veppery, Chennai-7.

2. The Inspector of Police,
W.28 All Women Police Station,
Ambattur, Chennai.

...Respondents

Prayer:- This Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Habeas Corpus, to produce the detainee, namely, 1. Gokulakannan, aged 4 years and 2. Udhaya aged 2 years, residing at No.20, H.3 Flat, Tirupathi Kodai Road, Ambattur, Chennai-58 before this Court and set them at liberty.

For Petitioner : Mr.M.Muneeswaran

For Respondents : Mr.E.Raja, Addl.P.P.

O R D E R

(Order of the Court was made by A.SELVAM, J.)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to secure and produce the detainee, namely, Gokulakannan, aged 4 years and Udhaya, aged 2 years.

2. The petitioner is present and she has been identified by her Counsel.

3. The 2nd respondent, the Inspector of Police, All Women Police Station, Ambattur, has produced the detainee along with their father.

4. The petitioner has identified the detainee.

5. Since the father of the detainee has produced them, his custody cannot be treated as illegal and at the most, the petitioner can seek a remedy by way of filing a separate petition before the proper forum. Considering the fact that the custody of the father of the detainee cannot be treated as illegal, the relief sought in the petition cannot be granted.

6. In fine, this petition is dismissed, however, it is open to the petitioner to take appropriate proceedings before some other Forum.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Veppery, Chennai-7.
2. The Inspector of Police,
W.28 All Women Police Station,
Ambattur, Chennai.
3. The Public Prosecutor, High Court, Madras.

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