

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2017

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.814 of 2017

Kamali ... Petitioner

vs.

1. The Sub-Inspector of Police,
All Women Police Station,
Chidambaram,
Cuddalore District.

2. Lalitha ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the to produce the detenu namely the minor child Master Jivish, son of Boopalan, aged 4 ½ years, presently illegally detained by the second respondent herein, before this Court.

For Petitioner : Mr.S.Shrenik Raj

For Respondent : Mr.V.M.R.Rajentren, Addl.P.P. for R1
Mr.S.Senthilvel for R2

सत्यमेव जयते
ORDER

(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 first respondent to trace out and produce the detenu, by name, Jivish, aged 4 ½ years son of the petitioner.

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

3.The second respondent, who is none other than the mother-in-law of the petitioner, has produced the detenu.

4.It is represented on the side of the petitioner that the detenu is the son of the petitioner and he has been forcibly taken away by the second respondent. Under such circumstances, the present petition has been filed for getting the relief sought therein.

5.It is seen from the records that the husband of the petitioner, by name, Boopalan, as petitioner, has filed G.O.P.No.45 of 2017, on the file of the Principal District Court, Cuddalore, for getting legal custody of the minor child.

6.Considering the fact that already G.O.P.No.45 of 2017 has been filed by the husband of the petitioner and the same is pending and also considering that the issues involved present petition, viz., H.C.P.No.814 of 2017 can be decided only in G.O.P.No.45 of 2017, this Court is inclined to pass the following order.

In fine, the petitioner is directed to participate in the proceedings in G.O.P.No.45 of 2017. Further, the Principal District Court, Cuddalore, is strictly directed to dispose of G.O.P.No.45 of 2017 before the end of November 2017.

With the above observation, this petition is disposed of.

Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

msk

To

1. The Sub-Inspector of Police,
All Women Police Station,
Chidambaram,
Cuddalore District.

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2. The Public Prosecutor,
High Court, Madras.

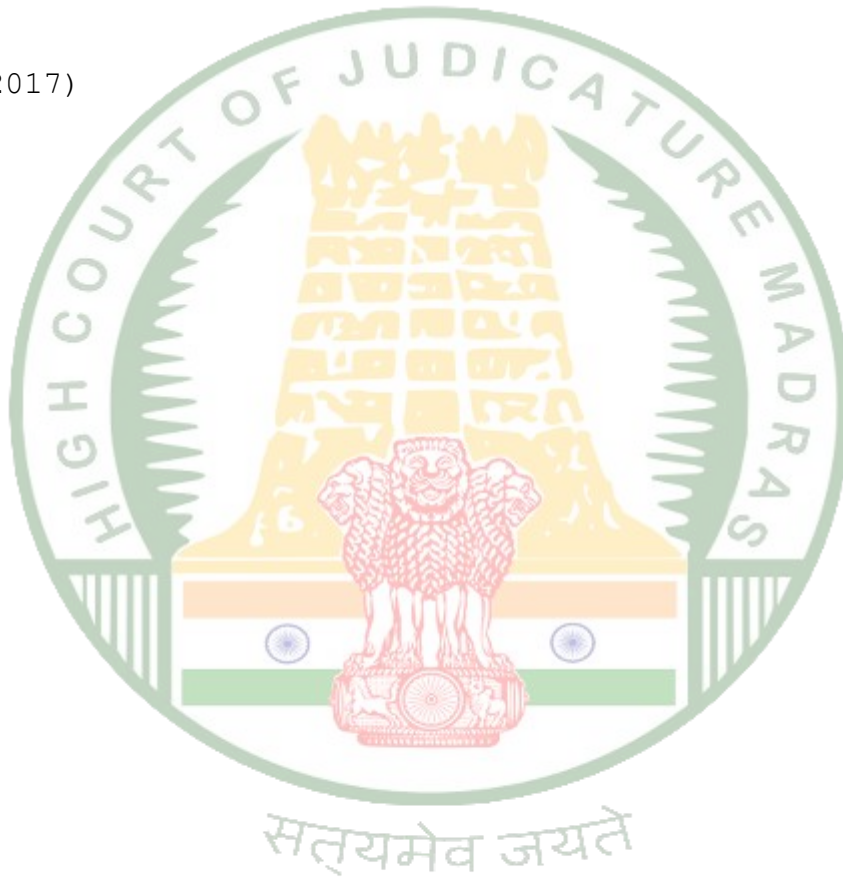
3.The principal District Judge,
Cuddalore.

+1cc to Mr.R.Ganesh Kumar, Advocate Sr. 66702

+1cc to Mr.S.Senthilvel, Advocate Sr. 66093

H.C.P.No.814 of 2017

VD(CO)
VR(22/09/2017)



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