

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2017

CORAM:

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

H.C.P.No.824 of 2017

Sonal Ranka

... Petitioner

vs.

1.The Inspector of Police,
C3 Police Station,
Sai Baba Colony,
Coimbatore-641 011

2.Mr.Chetan Ranka
3.Mr.Narendra Ranka
4.Mr.Gagan Ranka

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the first respondent to secure the custody of the petitioner's minor children namely Master Piyush Ranka and Miss Rachna Chetan Ranka, from the respondents 2 to 4, produce them before this Court and set them at liberty and hand over them to the petitioner.

For Petitioner : Ms.S.Kala

For Respondents : Mr.J.Karuppiyah, Addl.P.P.
for R1
Mr.B.Kumar, Sr.counsel
for Mr.S.Ramachandran for R2 to R4

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, Piyush Ranka and Rachna Chetan Ranka, aged 12 and 6 years, respectively, children of the petitioner.

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

3.The first respondent, viz., the Inspector of Police, C3 Police Station, Sai Baba Colony, Coimbatore, has produced the detenu along with the second respondent.

4.It is an admitted fact that the second respondent is father of the detenu and husband of the petitioner.

5.It is learnt from the first detenu that both the detenu are under the care and custody of their father, viz., second respondent.

6.Considering the aforesaid factual circumstances, the custody of the detenu by the second respondent cannot be treated as illegal. Under the said circumstances, this Court is inclined to pass the following order.

In fine, the petitioner is directed to approach proper forum by way of filing proper petition.

7. With the above observation, this habeas corpus petition is disposed of. However, the petitioner is at liberty to see the detenu as and when she likes.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

msk

To

1.The Inspector of Police,
C3 Police Station,
Sai Baba Colony,
Coimbatore-641 011

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.Kala,Advocate sr.52065

+1cc to Mr.S.Ramachandran,Advocate sr.52606

H.C.P.No.824 of 2017

Pa (co)
ss (3/8/2017)