

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2017

CORAM

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

H.C.P.No.2509 of 2016

P.Vidhya

.. Petitioner

Vs

1.The Superintendent of Police,
Karaikal,
Puducherry State.

2.The Inspector of Police,
Kotticherry Police Station,
Karaikal,
Puducherry

3.Balaian

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, directing the respondents to produce the petitioner's son, Dhanesh, son of Rajendra Kumar, aged about 2 years and to set him at liberty.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.V.Balamurugane, Addl.PPPuducherry)
for RR1 and 2

ORDER

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

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor (Puducherry) appearing on behalf of the respondents 1 and 2.

2 This Habeas Corpus Petition has been filed by the petitioner, seeking direction to the respondents to produce her son, Dhanesh, son of Rajendra Kumar, aged about 2 years, before this Court and to set him at liberty.

3 At this stage of the hearing of the Habeas Corpus Petition, the second respondent had produced the third respondent and the child of the petitioner, before this Court.

4 On enquiry, the third respondent had stated that his son, who is in the United Kingdom, had left his minor child, namely, Dhanesh, in the custody of the third respondent. The learned counsel appearing on behalf of the petitioner had submitted that the detenu, who was in the custody of the petitioner, had been taken away, by the third respondent, illegally, during the month of September, 2016.

5 During our enquiry, we could find that the child is quite comfortable with the third respondent. In such circumstances, we are not inclined to come to a, prima facie, conclusion that the detenu, Dhanesh, is in the illegal custody of the third respondent. Therefore, the relief, as prayed for by the petitioner, in the present Habeas Corpus Petition, cannot be granted by this Court. The minor child, Dhanesh, shall continue to remain in the custody of the third respondent, for the present. Accordingly, the Habeas Corpus Petition stands dismissed. However, it goes without saying that it would be open to the petitioner to seek her remedies, if any, before the appropriate forum, in the manner known to law.

sd/
Assistant Registrar (CS-V)

/true copy/

Sub Assistant Registrar

vvk
To

1. The Superintendent of Police,
Karaikal,
Puducherry State.

2. The Inspector of Police,
Kotticherry Police Station,
Karaikal,
Puducherry.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Government Pleader SR.No.9522

H.C.P.No.2509 of 2016

RK(CO)
GN(28/02/2017)