

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2017

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

H.C.P.No. 2539 of 2016

C.Sivasubramanian .. Petitioner

Vs.

1. State Represented by
The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.

2. Sudhamathi .. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the 1st respondent to produce the body of the petitioner's Son Kaushik, aged about 23 years, before this Court and set him at liberty forthwith.

For Petitioner : Mr.Hassan Mohammed Jinnah

For 1st Respondent : Mr.V.M.R.Rajentren
Addl. Public Prosecutor

For 2nd Respondent : Mrs.R.T.Shyamala

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 appearing on behalf of the 1st respondent and the learned counsel appearing on behalf of the 2nd respondent.

2. This Habeas Corpus Petition has been filed by the petitioner, praying that this Court may be pleased to direct the 1st respondent to produce the body of the petitioner's Son

Kaushik, aged about 23 years, before this Court and to set him at liberty, forthwith.

3. It has been stated that the petitioner had married the 2nd respondent. Out of the said wed-lock, the detenu, namely, Kaushik, was born. Due to certain disputes, the petitioner and the 2nd respondent had been living, separately. Therefore, the petitioner had filed a original petition, in G.W.O.P. No.8 of 2000, before the Additional District Court, Nagapattinam, seeking the custody of minor son, namely, Kaushik. An order had been passed by the said court, directing the 2nd respondent to hand over the custody of the detenu to the petitioner.

4. The 2nd respondent had filed C.M.A.No.1130 of 2001, before this Court, challenging the order passed by the District Court, Nagapattinam. This Court, by an order, dated 05.03.2010, in C.M.A.No.1130 of 2001, had permitted the petitioner to have visitation right, during the first Sunday of every month, between 9 a.m., and 12 noon. While so, the 2nd respondent had refused to permit the petitioner to see her son from the month of April, 2016. Therefore, the petitioner had preferred the present Habeas Corpus Petition, before this Court.

5. At this stage of the hearing for the Habeas Corpus Petition, the 1st respondent had produced the detenu before this Court. The 2nd respondent is also present. On enquiry, the detenu, namely, Kaushik, who is aged about 23 years, and who is a health care professional, had stated, categorically, that he does not want to have anything to do with the petitioner. He had stated that he is not willing to meet the petitioner or to make any claims against him. The detenu had further stated that he is not willing to go before the Mediation Centre.

6. In view of the clear submissions made by the detenu, we do not find any reasons to grant relief prayed for by the petitioner.

Hence, this Habeas Corpus Petition stands closed.

s/d-
Assistant Registrar(CS-III)

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Sub-Assistant Registrar

To

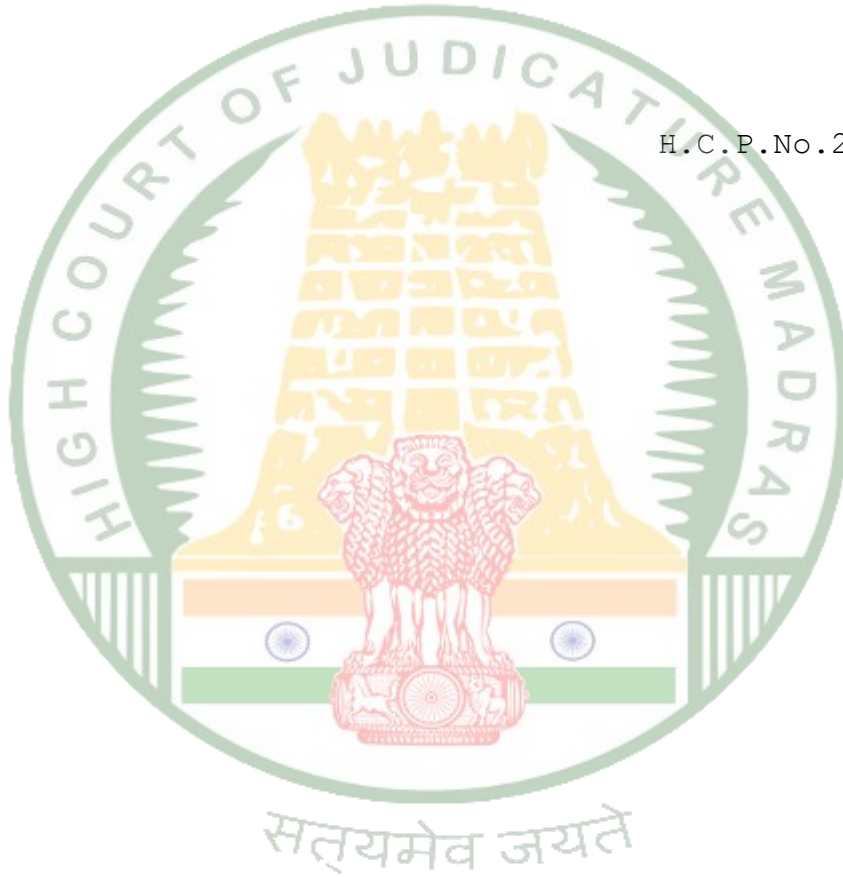
1. The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.
2. The Public Prosecutor
High Court, Madras.

+1 CC to M/s. Hasan Mohammed Jinnah, Advocate sr 5143

+1 CC to Mrs. R.T. Shyamala, Advocate sr 5143

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