



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

WEB COPY THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No.1074 of 2017

Ramakrishnan

: Petitioner

Vs.

1. The State Represented by,
The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2. The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

3. S.Bharathiraja

4. Bharathi

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the body or persons of the petitioner's daughters Varshini, Daughter of Ramakrishnan, (Female Child, aged 11 years) and Shivani, Daughter of Ramakrishnan (Female Child, aged 6 years) before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.A.Ramar

Additional Public Prosecutor
for R.1 and R.2

: Mr.V.Ramalingam
for R.3 and R.4

O R D E R

[Order of the Court was made by **R.SUBBIAH, J.**]

This Habeas Corpus Petition is filed by the petitioner seeking a direction to the respondents to produce the body or persons of the petitioner's daughters viz., Varshini(Female Child, aged 11 years) and Shivani, (Female Child, aged 6 years) before this Court and hand over the custody to the petitioner.

2. The case of the petitioner is that the detenu are the daughters of the petitioner and his wife Smt.Lakshmi was suffering



from kidney failure and she passed away in the year 2016. The third respondent is the brother of the petitioner's wife and the fourth respondent is her sister. Presently, the petitioner's two daughters were residing with them. They were working in the police department and therefore, they would not take care of the children, but they are refusing to give the custody of the children. All the efforts taken by the petitioner to take the custody of the children ended in vain. Hence, he lodged a complaint before the respondent police. Since, no action has been taken up, the petitioner is before this Court with the above petition.

3. Today, when the matter was taken up for consideration, the detenu were produced before this Court. When we enquired the detenu, they stated that they are happy with the respondents 3 and 4 and they are educating them, and that if they are asked to go along with the petitioner, nobody is there to take care of them. They refused to go along with the petitioner. However, we are of the opinion that the issue is only with regard to the custody of the children and the same cannot be resolved in this petition. The petitioner has to work out his remedy only before the appropriate forum by filing G.W.O.P. Hence, this Court, holding that there is no other way, closed this Habeas Corpus Petition.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Balaji, Advocate Sr.No.82443

GSP/SSL

VB/SV/MMS/SAR3/01.11.2017/2P/5C