



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH

AND

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

H.C.P. (MD) No.1780 of 2017

T. Rajammal

: Petitioner

Vs.

1. The Commissioner of Police,
Madurai City.

2. The Inspector of Police
Thirupparankundram Police Station
Madurai District

3. The Project Director,
Sakthi Vidiyal Home,
No.21, Kennet Nagar,
Muthupatti,
Madurai.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondent Nos.1 and 2 to produce the body or person of the detenu, the petitioner's grandson namely, Balaji, S/o.T.Santhakumar aged about 11 years before this Court from the illegal custody of the 3rd respondent and hand over the custody to the petitioner.

For Petitioner : Mr.R.Selvaraj

For Respondents : Mr.C.Ramesh

Additional Public Prosecutor

ORDER

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

The petitioner is the grandmother of the detenu, viz., Balaji, S/o.Santhakumar aged 11 years. It is alleged in the affidavit that due to possession of Kanja, the petitioner's son, daughter-in-law were arrested by the respondent police along with the detenu's maternal grandmother. The petitioner's son has two children, one girl child and the detenu herein. Since the petitioner's son and daughter-in-law have not gone to the police station, it is alleged that the detenu was taken by the respondent



police and kept in the third respondent Home illegally. Therefore, the petitioner preferred a representation to the respondents on 06.12.2017. Since no effective steps were taken, the petitioner is before this Court.

2.Today, when the matter was taken up for hearing, the detenu has been produced before this Court. On enquiry, the detenu submitted that he was staying in the third respondent Home and expressed his willingness to go along with the petitioner/grandmother.

3.However, the learned Additional Public Prosecutor denied the allegations in the affidavit and submitted that since no one was there to take care of the detenu, the respondent police handed over the boy to the third respondent Home.

4.In view of the above, since the detenu expressed his willingness to go along with the petitioner, nothing survives for adjudication in the rpresent Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(AD II)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police
Thirupparankundram Police Station
Madurai District

3.The Project Director,
Sakthi Vidiyal Home,
No.21,Kennet Nagar,
Muthupatti,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RR