

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.1660 of 2018

S.Mahesh Kumar
S/o.G.Selvaraj

... Petitioner

vs.

1.State represented by
The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600007.

2.State represented by
The Inspector of Police,
Kilpauk Police Station,
Kilpauk, Chennai - 600010.

3.The Superintendent,
Government Child Care House,
No.300, Purasawalkam High Road,
Kellys, Chennai - 600010.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the second respondent to produce the petitioner's wife Priyanka Devi W/o.S.Mahesh Kumar, aged 17 years, now in the custody of third respondent herein before this Court, restore her back to the petitioner's custody.

For Petitioner : Mr.S.Jegadeeshwaran

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

[Order of the Court was made by C.T.SELVAM, J]

Petitioner has filed this petition seeking a direction to second respondent to produce the petitioner's wife Priyanka Devi W/o.S.Mahesh Kumar, aged 17 years, who is now in the custody of third respondent

before this Court and restore her back to the petitioner's custody.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents.

3. Petitioner, informing himself to be the husband of the detinue and that they had a eight months old son, has stated that in May'2018, the detinue went missing from their house in their native place in the Andamans and that he as also his mother-in-law and other relatives had come to Chennai in search of her. The detinue, who is aged only 17, has been found alone at the Kancheepuram Police Station by the Sub-Inspector of Police, Railway Protection Force, Kancheepuram, on 30.05.2018. As the detinue was a minor, she was placed in the custody of Child Welfare Committee and thereafter, she has been placed in the custody of third respondent. Third respondent has produced the detinue today. Petitioner as also the mother of the detinue are present. The detinue identified the petitioner as her husband as also her mother. The infant child of about eight months is under care of the mother of the detinue. Detinue informs intent to accompany the petitioner and her mother back to their home at Andamans. Petitioner and detinue's mother are also agreeable to such course.

Recording such position and permitting the detinue to act in keeping with the intent above recorded, this Habeas Corpus Petition shall now stand closed with the observation that the formalities in connection with the release of the detinue from the third respondent home shall be completed in the course of the day. The money as also the cell phone recovered from the detinue shall be handed over to her.

सत्यमेव जयते Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

gm
To

1.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600007.

2.The Inspector of Police,
Kilpauk Police Station,
Kilpauk, Chennai - 600010.

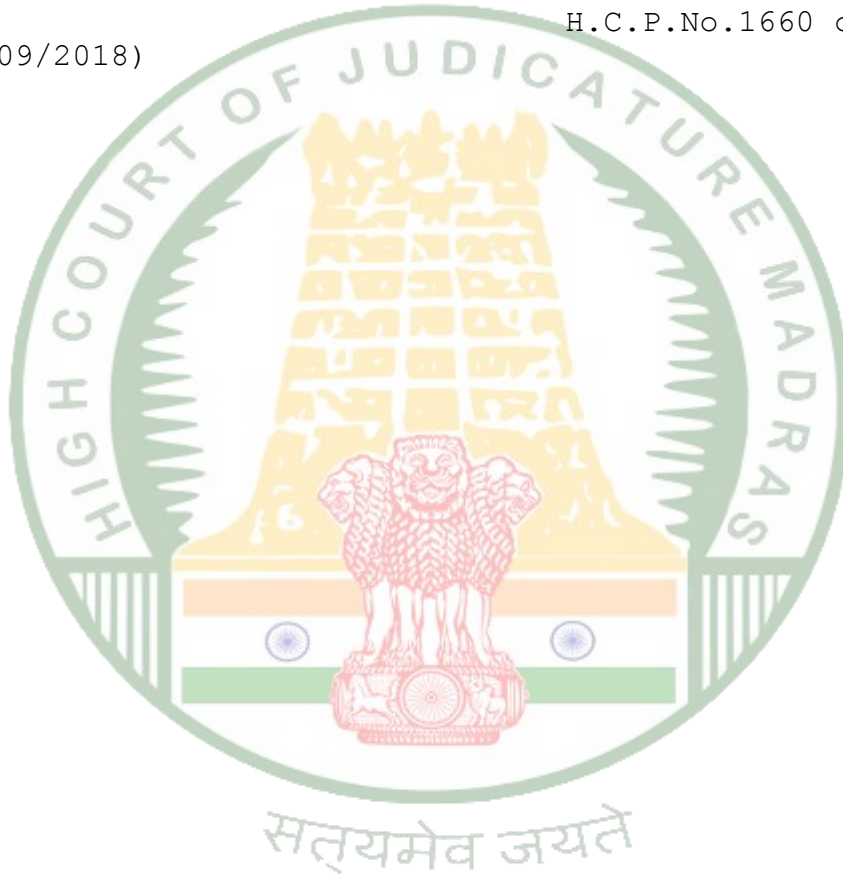
3.The Superintendent,
Government Child Care House,
No.300, Purasawalkam High Road,
Kellys, Chennai - 600010.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Jegadeeshwaran , Advocate SR.No. 58276

ASK(17/09/2018)

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