

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM :

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

H.C.P.No.37 of 2018

S.Ranganathan

... Petitioner

Vs

1. State Rep. By
The Inspector of Police,
S-15 Selaiyur Police Station,
Selaiyur, Tambaram East,
Chennai - 600 073.

2. R.Sundararajan

... Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus, directing the first respondent to produce the body of the petitioner's minor daughters, Miss R.Jaya, aged 12 years and Miss R.Sampana aged 7 years, detained illegally by the second respondent before this Court and set them at liberty.

For Petitioner : Mr.M.Krishnamoorthy

For Respondents : Mr.R.Prathap Kumar, APP for R1
Mr.T.Jaishankar for R2

O R D E R

(Order of the Court was made by DR.S.VIMALA, J.,)

This Habeas Corpus Petition has been filed by the father seeking a direction to the first respondent to produce his daughters, namely, R.Jaya, aged 12 years and R.Sampana, aged 7 years, before this Court.

2. When the matter was taken up for enquiry, it is reported that the detainee R.Jaya is already with the petitioner and R.Sampana is in the custody of the second respondent.

3. When we enquired both the children, R.Sampana submitted that she likes to be in the custody of the second respondent.

4. As the detainee R.Sampana wants to be in the custody of the second respondent and the issue with regard to the custody of child has to be decided by the Family Court, this Court does not intend to pass any orders.

5. However, the petitioner, father of the detainee pleaded for visiting rights, which is also opposed by the learned counsel for the second respondent on the ground that criminal cases are pending against the petitioner.

6. Though objection is raised for visiting rights, however, we permit visiting rights to the petitioner and the second respondent is directed to produce the child before the Children Centre attached to the Family Court. The father/petitioner shall visit the child, Sampana, once in a month on the second Saturday of the month in the Children Centre in the Family court.

7. With the above observation, this Habeas Corpus Petition is closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
S-15 Selaiyur Police Station,
Selaiyur, Tambaram East,
Chennai - 600 073.

2. The Incharge
Children center
Family court, Chennai.

3. The Public Prosecutor
High court, madras 104.

+1 cc to Mr.M.Krishnamoorthy, Advocate sr 50917.

+2 Ccs to Mr.T. Kumar, advocate sr 50570.

H.C.P. No.37 of 2018

SP(31/08/2018)