

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.04.2018

CORAM

THE HON'BLE Mr. JUSTICE M.VENUGOPAL
and
THE HON'BLE Mrs. JUSTICE R.HEMALATHA

H.C.P.No.442 of 2018

M.Raghu

.. Petitioner

Vs

1.The State,
Rep. By the Inspector of Police,
S-10, Pallikaranai Police Station,
Medavakkam, Chennai.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

... Respondents

[R2 is impleaded as per order dt.10.4.2018
in CrI.M.P.No.5600 of 2018]

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, directing the Respondent police to produce the body of the detenu namely Vinaya 11 years old (minor) D/o.M.Raghu before this Court and handover the custody of the detenu to the Petitioner herein.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.R.Ravichandran
Government Advocate (CrI. Side)

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O R D E R

[Order of the Court was made by R.HEMALATHA J.]

The petitioner viz., M.Raghu has filed the present Petition for issuance of Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body of his daughter Vinaya, aged about 11 years, who is under the custody of her mother.

2. According to the petitioner, he got married to one Jayalakshmi in the year 2005 and was blessed with two daughters by name Vinaya, aged about 11 years and Brinda, aged about 6 years. His main contention is that his wife Tmt. Jayalakshmi left the matrimonial home taking his elder daughter Vinaya, who was studying in 6th Standard in Ravindra Bharathi Global School, Medavakkam. He further contended that his wife Jayalakshmi left the matrimonial home without any reason and he could not find out the whereabouts of his wife and his first daughter Vinaya.

3. Notice was issued to the respondents and in response to the notice, the minor Vinaya, aged about 11 years was brought before this Court today.

4. We interacted with the wife of the petitioner as well as the minor Vinaya aged about 11 years. Tmt. Jayalakshmi, wife of the petitioner contended that her husband who was previously working with Royal Bank of Scotland as Project Manager left his job. According to her, her husband is torturing her physically and mentally and unable to bear the same, she left her matrimonial home. Her specific contention is that she was in Intensive Care Unit at Kamatchi Hospital, Pallikaranai for sometime as her husband beat her.

5. The minor child Vinaya contended that though she was studying in Ravindra Bharathi Global School, Medavakkam at Chennai, she is presently with her mother at Sirkali in her Grandmother's house. She also contended that she would like to be with her mother and also wanted her younger sister, who is presently with the petitioner, to be with her. However, she refused to go with her father.

6. Considering the facts and circumstances of the present case, in the considered opinion of this Court, the minor Vinaya, aged about 11 years, can be in the custody of her mother Jayalakshmi at present and the petitioner is directed to workout his remedy before the competent forum for redressal of his grievances with regard to his matrimonial disputes and the custody of the child, if he so desires/advised.

7.With the above observations/directions, the Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Sgl

To

1.The Inspector of Police,
S-10, Pallikaranai Police Station,
Medavakkam, Chennai.

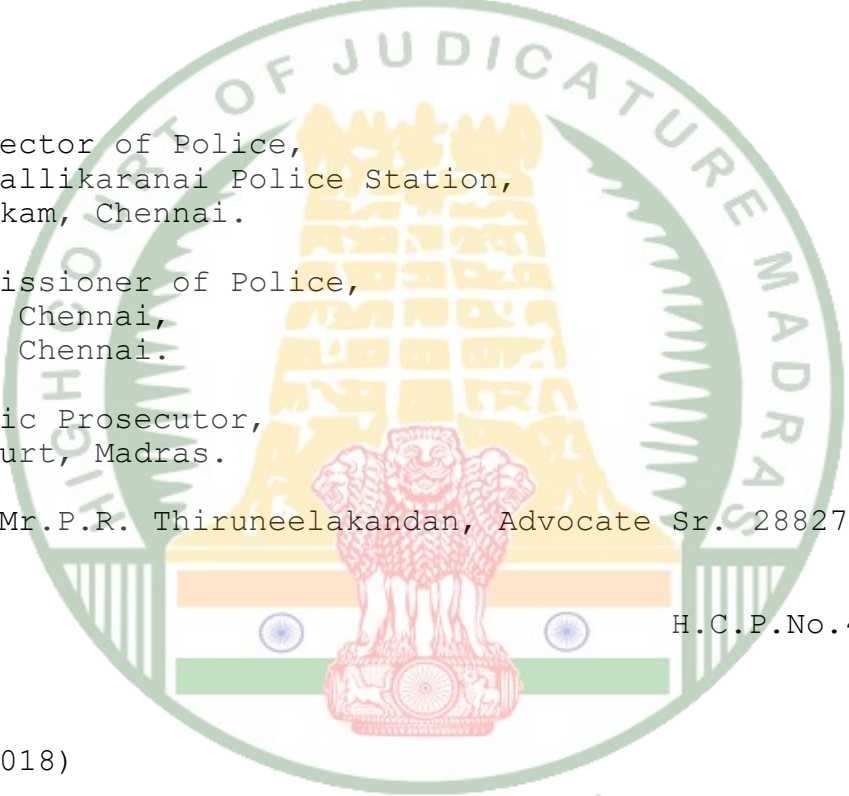
2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.P.R. Thiruneelakandan, Advocate Sr. 28827

H.C.P.No.442 of 2018

GJ(CO)
EU(28/05/2018)



सत्यमेव जयते

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