

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.04.2018

Coram

THE HONOURABLE **Mr. JUSTICE M.VENUGOPAL**  
AND  
THE HONOURABLE **Mrs. JUSTICE R.HEMALATHA**

H.C.P.No.669 of 2018

P.Elayarasu

.. Petitioner

Vs.

1. The Superintendent of Police,  
Namakkal
2. The Deputy Superintendent of Police,  
Tiruchengode
3. The Inspector of Police  
Rural Police Station,  
Tiruchengode
4. Muthusamy
5. Manimala

..Respondents

Prayer: Petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus to direct the Respondents to produce the body of the detainee, a baby by name E.Pranaveega, aged about 2 years before this Court and to set her at liberty by handing her over to the petitioner.

For Petitioner : Mr.C.Paraneedharan  
For Respondents : Mr.R.Ravichandran for R1 to R3  
Government Advocate (Crl.Side)  
Mr.N.Manokaran for R4 and R5

ORDER

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

The petitioner, viz., Elayarasu, has filed the present Petition for issuance of Writ of Habeas Corpus directing the Respondents 1 to 3 to produce the Detenue, E.Pranaveega, aged about two years before this Court.

2. In the affidavit filed along with the Petition, the petitioner has contended that his wife, Suganya, died suddenly and that the 4<sup>th</sup> and 5<sup>th</sup> Respondents herein, who are his parents-in-law took care of his child, viz., E.Pranaveega, aged two years, since the petitioner had to travel a lot in connection with his business. It is further contented by him that though he requested the respondents 4 and 5 to handover the child to him, they did not accede to his request. Hence the present Petition.

3. A notice was issued to the Respondents and in response to the notice, the Detenue, E.Pranaveega, aged about two years is produced before this Court. The 5<sup>th</sup> Respondent, namely, Manimala, is the

maternal grand mother of the child. We interacted with her. She contended that her daughter, Suganya, committed suicide and since then, the child is under the care and custody of herself and her husband, namely, Muthusamy [4<sup>th</sup> Respondent herein] as the petitioner herein abandoned the child. It is also her contention that the parents of the petitioner are taking steps to give him in marriage to another woman. When this was communicated to the learned counsel for the petitioner, he contended that the petitioner should atleast be given visitation rights to see his child.

4. Therefore, in the interests of justice, the petitioner is given visitation rights to see his child on every Sunday between 10.00 a.m. and 12.00 noon and he must give prior intimation to the 4<sup>th</sup> and 5<sup>th</sup> Respondents in this regard. The petitioner is further directed to workout his remedy before the appropriate forum with regard to the custody of his child.

With the above observations, the Habeas Corpus Petition is disposed of.

(M.V.J.)

(R.H.J.)

23.04.2018

Speaking order / Non speaking order  
Index :Yes / No ; Internet :Yes / No

M.VENUGOPAL, J.  
and  
R.HEMALATHA, J.

ssd

To

1. The Superintendent of Police,  
Namakkal
2. The Deputy Superintendent of Police,  
Tiruchengode
3. The Inspector of Police  
Rural Police Station,  
Tiruchengode
4. The Public Prosecutor,  
High Court, Madras



H.C.P.No.669 of 2018

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