

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA
and
THE HON'BLE MRS. JUSTICE S. RAMATHILAGAM

H.C.P. No.806 of 2018

Mohana ... Petitioner

Versus

1. The Commissioner of Police,
Greater Chennai
Vepery,
Chennai - 600 007
2. The Inspector of Police,
Kaveripakkam Police Station,
Vellore District.
3. Sathish ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondents, to produce the son of the petitioner PRASANTH son of Presanna Premkumar, aged about 11 years, now in the custody of third respondent herein and hand over to the petitioner.

For petitioner : Mr.R.Sankarasubbu
For respondents : Mr.R.Prathap Kumar, APP for
RR1 and 2

ORDER

(Made by S.VIMALA, J.)

The relief sought for in the present Habeas Corpus Petition is for a direction to respondents 1 and 2 to produce the son of the petitioner Prasanth son of Presanna Premkumar, aged about 11 years, now in the custody of third respondent herein and hand over custody to the petitioner.

2. The 3rd respondent is neither represented by counsel nor is present before the Court today.

3. The petitioner is present before the Court. Learned Additional Public Prosecutor appears for respondents 1 and 2. The detenu, Minor Prasanth is produced before this Court by his grand mother.

4. It seems that the husband of the petitioner, viz., Presanna Premkumar, was in the relationship with one Jansi Rani and, thereby, neglected the petitioner and their two sons and later on the younger son came along with the petitioner and that the eldest son is residing along with the grandmother. Due to the intervention of the police, the matter was settled and while Jansi Rani went along with her parents, the husband of the petitioner accompanied his mother. The second son, who was in the custody of the grandmother is produced before this Court. Negotiations took place between the petitioner and her mother-in-law, where a consensus was arrived at to the effect that both the sons will continue their education at the place of residence of the petitioner and after the end of the current educational year both the children will shift their education to Thoraiperambakkam, Vellore District.

5. The above understanding arrived at between the petitioner and her mother-in-law is recorded and subject to the above undertaking, the custody of the detenu is entrusted to the petitioner herein. The grandmother is permitted full visiting rights at her convenience. With the above observations, the habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Commissioner of Police,
Greater Chennai
Vepery,
Chennai - 600 007
2. The Inspector of Police,
Kaveripakkam Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras - 104.

+1cc to M/s.R.Sankarasubbu, Advocate Sr.No.41553

AK(CO)

sm:18.7.2018

H.C.P. No.806 of 2018