

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.87 of 2018

Ms.Sopna

... Petitioner

-vs-

1. The Commissioner of Police,
Commissioner Office,
The Greater Chennai,
Vepery, Chennai.
 2. The Inspector of Police,
J.6 Thiruvanmiyur Police Station,
Chennai.
 3. Mr.Vimalraj
 4. Mr.Deepakraj
 5. Mr.Kaviarasu
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the body of the detainee by name minor Swasika, aged 5 years, who is the daughter of the petitioner herein, from the illegal custody of the respondents 3 to 5 before this Court and set her at liberty.

For Petitioner : Mr.N.Naveenkumar

For Respondents: Mr.V.M.R.Rajentran
Additional Public Prosecutor - R1 & R2
Mr.R.Rajan - R3

ORDER

[Order of the Court was made by N.SATHISH KUMAR J.]

The petitioner is the wife of the third respondent, Mr.Kaviarasu, who has filed this petition for production of her minor daughter, the detenue Ms.Swasika, who is aged about 5 years.

2. The minor detenue, Ms.Swasika was produced by the third respondent. We have interacted with the child. The girl initially expressed her desire to be with her father. However, we have allowed the petitioner, the third respondent and the child to interact with each other for arriving at a settlement. But no settlement has been arrived between them.

3. In the circumstances, we are of the view that this Court cannot decide the issue of custody of the child and the petitioner is given liberty to work out her remedy as per law in appropriate Court, if she wish to do so and this petition is closed.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Commissioner of Police,
Commissioner Office,
The Greater Chennai,
Vepery, Chennai.
2. The Inspector of Police,
J.6 Thiruvanmiyur Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

- 1 cc to Mr.R.Rajan, Advocate Sr.No.4673
- 1 cc to Mr.Naveen Kumar, Advocate Sr.No.4970

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CO(SJ)

RRI 06/02/2018