

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.03.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.253 of 2019

Tmt.M.Kalavathy

.. Petitioner

Versus

1.The Commissioner of Police,
Greater Chennai
Vepery, Chennai 600 007.

2.The Inspector of Police
(Law and order)
P-6, Kodungaiyru Police Station,
Chennai 600 118.

3.Vasanthi

4.Shanthi

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body of the petitioner's minor grand-daughter by name Gokula Lakshmi, aged about 10 years before this Court and hand over to the petitioner.

For Petitioner: Mr.K.Shivakumar

For Respondents: Mr.C.Iyyappa Raj,
Additional Public Prosecutor
for R1 & R2

Mr.R.Ganeshkumar for R3

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner is the paternal grand mother of the deteneue and alleging illegal custody / detention of the minor deteneue,

namely Gokula Lakshmi, aged about 10 years at the hands of the 3rd respondent, who is her biological mother, came forward to file this Habeas Corpus Petition.

2. The Habeas Corpus Petition was entertained on 01.02.2019 and when it was listed on 18.03.2019, the 3rd respondent along with the detinue were present. This Court has also enquired with the minor detinue and she would state that she is willing to be with her mother only. The 3rd respondent has also filed a counter affidavit and apart from taking the stand that she is the biological mother of the detinue, she would state that she was thrashed out of the matrimonial home during April 2011 itself and all along with the minor detinue, she is residing in her parents home and the detinue is now studying 5th standard in Sri Vivekanandha Vidyasalai and she is taking care of her minor daughter and she has further stated that she has been wrongly implicated in alleged murder of her husband and she will prove her innocence in due process of law.

3. The learned counsel appearing for the petitioner would also submit that in the light of the fact that the minor detinue is now in the care and custody of her biological mother, namely the 3rd respondent and no orders have been passed in favour of the petitioner, prays for liberty to workout her remedy to get the custody of the minor detinue in accordance with law.

4. In the light of the above, the Habeas Corpus Petition is dismissed and however, if the petitioner is so advised and if it is open to him under law, he is at liberty to workout her remedy as to the getting custody of the minor daughter before the competent forum.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sk

To

1.The Commissioner of Police,
Greater Chennai
Vepery, Chennai 600 007.

2.The Inspector of Police
(Law and order)
P-6, Kodungaiyru Police Station,
Chennai 600 118.

3.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.R.Ganesh Kumar, Advocate, Sr.No. 28110
+2 cc's to Mr.K.Shivakumar, Advocate, Sr.No. 27816

HCP.No.253 of 2019

CSL/10.05.2019



WEB COPY