

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.317 of 2019

M.Dhanapriya ... Petitioner

Versus

1.State rep by
Inspector of Police,
Guduvancheri Police Station,
Guduvancheri,
Kancheepuram District.

2.B.Manikandan

3.Shiyamala ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 1st respondent to produce the Petitioner Child master.M.Aathriyay Devv, aged about 2 ½ years, who have been kept under illegal custody of the 2nd and 3rd respondent at No.1/576A, Pallavan nagar 4th Cross Street, Injambakkam, Thriuvanmiyur S.O., Chennai 600 041, before this Court and set him at liberty and handover to her.

For Petitioner :Mr.S.Palani

For Respondents:Mr.C.Iyyappa Raj,
Additional Public Prosecutor for R1
Mr.A.Ramesh Manikandan
for R2 & R3

ORDER

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

This Habeas Corpus Petition is filed for the custody of the child, born for the petitioner and the 2nd respondent.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have perused the materials available on record.

3. It appears that both the petitioner and the second respondent were married and the marriage between them is said to have still in subsistence and the parentage of the child is also not in dispute. The detenu / minor child is with the 2nd respondent for 2 ½ years as stated by the petitioner herself before us. Hence, we do not find any illegal custody of the detenu at the hands of respondents 2 and 3.

4. In view of the above, this petition stands closed. However, the petitioner is at liberty to approach the concerned Court for the custody of the child, if so advised and if the same is done, the concerned Court will have to decide the custody of the child without being influenced by the observation made by us in this petition.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Guduvancheri Police Station,
Guduvancheri, Kancheepuram District.

2. The Public Prosecutor,
Madras High Court.

+1cc to M/s.S.Palani, Advocate Sr.45996
+1cc to M/s.M.L.Ramesh, Advocate Sr.45771

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