

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 04.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.875 of 2019

S.Poulraj Kulas
S/o.Sebastian Kulas

... Petitioner

versus

1. The Deputy Superintendent of Police,
Arani, Thiruvannamalai District.
 2. The Sub Inspector of Police,
Gramia Police Station,
Arani, Thiruvannamalai District.
 3. Mariyamma Silva
 4. Sriphen Silva
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the second respondent to produce petitioner's minor daughter Yuvarani Kulas, aged about 7 years from the illegal custody of the third and fourth respondent before this Court and set her at liberty.

For Petitioner : Mr.S.Pushpakaran
For Respondent Nos.1 & 2 : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of this Court was made by R.SUBBIAH,J.]

This petition is filed praying for issuance of a Writ of Habeas Corpus to direct the second respondent to produce the detainee, by name Yuvarani Kulas, aged about 7 years, from the illegal custody of respondents 3 and 4, before this Court and set her at liberty.

2. The petitioner is the father of the detainee-Yuvarani Kulas, who is aged about 7 years. In the affidavit filed in support of this petition, it is stated that the petitioner came to India as Srilankan Tamil refugee and he married one Sharmila Silva, who was the daughter of respondents 3 and 4. Out of the

wedlock, on 20.01.2012, the petitioner's wife gave birth to a female child and due to refractory septic shock, his wife died on the next day i.e. on 21.01.2012 and thereafter, respondents 3 and 4 were taken the custody of the minor child. In the meantime, the petitioner has contracted a second marriage with one Sasikala and he blessed with two children. When the petitioner approached the respondents 3 and 4, they refused to hand over the minor child to him. In this regard, the petitioner preferred a complaint before the second respondent-Police on 04.02.2019. Since no action has been taken to secure the petitioner's minor daughter (detenue), this petition is filed by her father-petitioner.

3. When the petition is taken up for hearing today, learned Additional Public Prosecutor appearing for respondents 1 and 2 submitted that, the minor child (detenue) is in the custody of her grand parents, who are respondents 3 and 4.

4. In view of the submission made by the learned Additional Public Prosecutor appearing for respondents 1 and 2, it appears that there is no illegal custody of the minor child-Yuvarani Kulas. Hence, the Habeas Corpus Petition stands dismissed. If the petitioner wants to take the custody of the minor child, he has to work out his remedy by initiating appropriate legal proceedings before appropriate forum.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sri

To

1. The Deputy Superintendent of Police,
Arani, Thiruvannamalai District.
2. The Sub Inspector of Police,
Gramia Police Station, Arani, Thiruvannamalai District.
3. The Public Prosecutor, High Court, Madras.

+lcc to Mr.S.Pushpakaran, Advocate, S.R.No.101014

H.C.P.No.875 of 2019

PVS (CO)
CS/19/02/2020