

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M. NIRMAL KUMAR

H.C.P. No.1426 of 2019

Carmel Fassioms Petitioner

-vs-

1.State Rep by
Inspector of Police,
K-1, Sembiam Police Station,
Perambur, Chennai.

2.Gabriellas

3.Alister Moses Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the first respondent to produce the petitioner's grandson Ethen Michael Fassioms (Minor), aged about 8 years, son of Mr. Don Paul Fassioms who is in the illegal custody of the respondents two and three, before this Court and hand over the custody of minor Ethen Michael Fassioms to the petitioner.

For Petitioner : Mr.C.D.Johnson

For Respondents : Mr.C.Iyyappa Raj
: Addl. Public
Prosecutor for R1

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Seeking a direction to the the first respondent to produce the petitioner's grandson Ethen Michael Fassioms (Minor), aged about 8 years, son of Mr. Don Paul Fassioms who is in the

illegal custody of the respondents two and three, before this Court and hand over the custody of minor Ethen Michael Fassioms to the petitioner, the present petition has been filed.

2. The petitioner is the grandmother of the detenu. The second respondent is the daughter-in-law. The third respondent is the father of the second respondent. Though the petitioner is not present, the second and the third respondents are before us along with the detenu, who is the minor child aged about nine years.

3. The sum and substance of the grievance of the petitioner appears to be lack of access to the detenu - grand son. The learned counsel appearing for second and third respondents would fairly submit that there is no difficulty in the petitioner visiting the house of the second respondent to spend sometime with the detenu.

4. However, there appears to be some misunderstanding in between the petitioner and the second respondent who has since married. In such view of the matter, we made a suggestion to the learned counsel appearing for respondents 2 and 3 as to whether the detenu can be allowed to be with the petitioner from about 10.00 a.m. to 2.00 p.m. on every Sunday.

5. The learned counsel for respondents 2 and 3 has fairly submitted that there is no objection for the aforesaid course provided either the second respondent or the third respondent can be permitted to accompany the detenu since he may not be comfortable in their presence. Accordingly, the Habeas Corpus Petition stands disposed of by directing the second and third respondents to give the custody of the detenu (minor child) to the petitioner, till he attains majority, on every Sunday between 10.00 a.m. and 2.00 p.m.

6. We make it clear that the second respondent or third respondent can accompany the detenu till the detenu feels comfortable with the petitioner. The parties are at liberty to approach this Court, seeking modification of the order if there is any difficulty in giving effect to the order.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Inspector of Police,
K-1, Sembiam Police Station,
Perambur, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Chandran , Advocate SR.No. 64438

+1cc to Mr.C.D.Johnson , Advocate SR.No. 64628

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A.SK(29/08/2019)



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