

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.09.2019

CORAM

The Honourable Mr. Justice M.M.SUNDRESH
and
The Honourable Mr. Justice RMT. TEEKAA RAMAN

Habeas Corpus Petition No.1654 of 2019

Kalai Selvi

... Petitioner

.. Vs ..

1. State Represented by
The Superintendent of Police,
Sathuvachari,
Vellore District.
2. Deputy Superintendent of Police,
Gudiyatham,
Vellore District.
3. Inspector of Police,
Paradarami Police Station,
Vellore District.

.... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the third respondent herein to produce the petitioner's minor son "R.Harish", aged 4 years, S/o.Radhakrishnan, before this Court and hand over him to the petitioner.

For Petitioner: Mr.Vijay Anand.S.

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

WEB COPY
ORDER

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

The petitioner is the mother of the minor child, aged about 4 years, stated to be missing from 25.05.2019 onwards. As the child could not be traced, we directed the second respondent herein/Deputy Superintendent of Police, Gudiyatham, Vellore District, to file a status report.

2. Today, the second respondent herein is present and filed a status report. From the status report, it appears that initially, there was a love affair between the petitioner and her husband, during which time, the petitioner conceived. The husband of the petitioner was not willing to accept the paternity of the child, so also his family members. The husband of the petitioner was proclaiming openly that he will do away with the life of the child, namely, Harish, as it was not born in the relationship between himself and the petitioner. It was suspected that there may be a chance that the husband of the petitioner, his father and mother may have a hand in the missing of the child and hence, the husband of the petitioner was called for enquiry. During enquiry, the husband of the petitioner attempted to commit suicide.

3. Learned Additional Public Prosecutor appearing for the respondents would submit that the above said facts would point out the needle of suspicion towards the husband of the petitioner. Though it is submitted by the learned counsel appearing for the petitioner that there was enmity with another female, the investigation so far made, did not support the said apprehension.

4. We are not inclined to keep the petition pending and direct the respondent No.2 to proceed with the investigation and in case the child is traced and found, it shall be handed over to the petitioner. The earlier direction given by this Court to monitor the investigation by the Superintendent of Police, Vellore District, shall continue.

5. Accordingly, the Habeas Corpus Petition shall stand closed. However, liberty is given to the petitioner to file a fresh petition, if she is so advised.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

Jr1

To

1.The Superintendent of Police,
Sathuvachari,
Vellore District.

2.The Superintedent of Police,
Vellore District,
Vellore.

WEB COPY

3. The Deputy Superintendent of Police,
Gudiyatham,
Vellore District.

4. The Inspector of Police,
Paradarami Police Station,
Vellore District.

5. The Public Prosecutor,
High Court, Madras.

+2cc to M/s.S.Vijay Anand, Advocate SR.78316

H.C.P.No.1654 of 2019

(CO)
CB(24/10/2019)



WEB COPY