

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2019

CORAM

THE HON'BLE MR. JUSTICE M.M. SUNDRESH
and
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

H.C.P. No.1808 of 2019

R.Devaraj

... Petitioner

Vs.

1.The State rep. by the Commissioner of Police,
Chennai City Police,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
Redhills Police Station,
Redhills.

3.D.Dheenadhayalan

4.R.Devaraj

5.D.Sundari

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body of the detenue/petitioner's minor son Master Suhaan, 3 ½ years, Son of R.Devaraj before this Court and hand over to the petitioner.

For Petitioner : Mr. L.Chandrakumar

For R1 and R2 : Mr. R.Prathap Kumar

Additional Public Prosecutor

For R3 to R5 : Mr. S.Jaganathan

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O R D E R

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

The petitioner is the father of the minor child, who is the detenu, aged about 4 years. Seeking custody of the child from the respondents 3 to 5, the present petition is filed.

2.Learned counsel appearing for the petitioner submitted that the petitioner, being the natural guardian, is entitled to have the custody of the child.

3.Learned counsel appearing for the respondents 3 to 5 would submit that for the past two years, the detenu is with the respondents 3 to 5. A petition in G.W.O.P. No.137 of 2018 has also been filed by the petitioner before the Principal District Court, Thiruvallur, and the said petition was decreed ex-parte. Seeking restoration, a petition has been filed and it is likely to be taken up for hearing on 03.10.2019.

4.However, from the documents filed, it is seen that an interim order has been passed by the said Court in I.A. No.445 of 2018 in G.W.O.P. No.137 of 2018 on 05.04.2019, which is yet to be complied with by the respondents 4 and 5. The respondents, who are present before this Court, through their learned counsel, now undertake to comply with the said order.

5.In such view of the matter, we direct the respondents 3 to 5 to comply with the order dated 05.04.2019, passed in I.A.No.445 of 2018 in G.W.O.P.No.137 of 2018 to produce the child/detenu before the Secretary, District Legal Services Authority, Thiruvallur District. We make it clear that this direction is subject to the order to be passed by the Court in the petition filed seeking restoration. If the said petition is allowed, the aforesaid direction issued by this Court will continue, till the disposal of G.W.O.P.No.137 of 2018.

6.With the above direction, this Habeas Corpus Petition is disposed of. The Legal Services Authority shall also call upon the parties to resolve the dispute, including the return of jewels, cash or other properties given as sridhana at the time of marriage of the deceased wife with the petitioner.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Chennai City Police,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
Redhills Police Station,
Redhills.

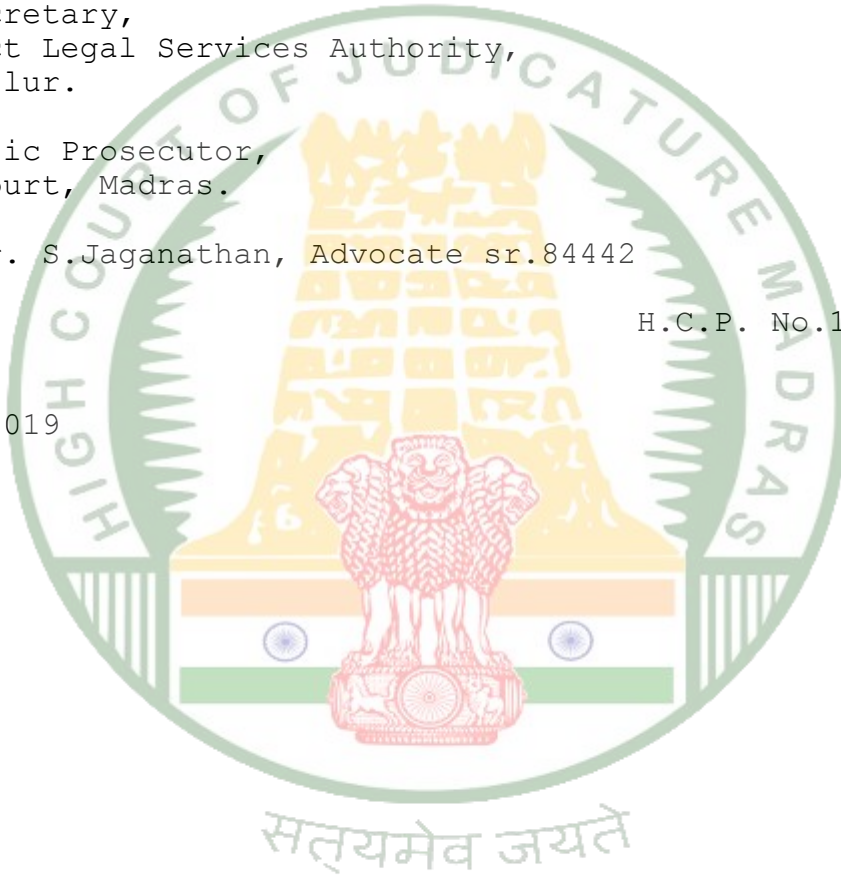
3. The Secretary,
District Legal Services Authority,
Tiruvallur.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr. S.Jaganathan, Advocate sr.84442

H.C.P. No.1808 of 2019

pvs (co)
nr 13/11/2019



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