

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2019

CORAM

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

H.C.P.No.2432 of 2019

D.Shankari
W/o.Dinesh Kumar ... Petitioner
Vs

1.The State represented by
Inspector of Police,
J-1 Saidapet Police Station,
Saidapet, Chennai - 600015.

2.M.Dineshkumar
S/o.L.Manogaran

3.L.Manogaran
S/o.Lakshmanan ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing first respondent to produce the petitioner's minor son Roshan, aged about 6 years, before this Court from the illegal custody of respondents 2 and 3 and hand over to the petitioner.

For Petitioner : Mr.D.Chandrakanth

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor [R1]
Mr.C.Saravanan [R2 & R3]

O R D E R

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

Petitioner, who is the mother of the detenu viz., Roshan, aged about 6 years, has filed the present petition seeking a direction to first respondent to produce the detenu before this Court from the illegal custody of respondents 2 and 3 and hand over to the petitioner.

2. Heard learned counsel for petitioner, learned Additional Public Prosecutor appearing for first respondent and learned counsel for respondents 2 and 3.

3. Learned counsel for petitioner submits that respondents 2 and 3 are husband and father-in-law of the

petitioner. Second respondent has left the matrimonial home during August'2018 along with the detenu and is residing in his father's home. Though petitioner has made several attempts to take back the detenu, all ended in vain. Hence, the present petition has been filed seeking the aforesaid relief.

4. On the other hand, learned counsel for respondents 2 and 3 submits that it is the petitioner, who left the matrimonial home and the detenu/minor child, right from his birth, is in the custody of second respondent. Learned counsel further submits that this petition has been filed with false allegations and the detenu/minor child is not in illegal custody.

5. Learned Additional Public Prosecutor appearing for first respondent affirms the submission of learned counsel for respondents 2 and 3.

In the aforesaid circumstance, the Habeas Corpus Petition is closed since there is no illegal detention of detenu/minor child. It is open to the petitioner to file an appropriate petition seeking custody of the detenu/minor child.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Gm

To

1.The Inspector of Police,
J-1 Saidapet Police Station,
Saidapet, Chennai - 600015.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Chandrakanth, Advocate, S.R.No. 1034

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VG I(CO)
GN(12/02/2020)