

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 6/12/2019

C O R A M

THE HON'BLE MR.JUSTICE R.SUBBIAH
&
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

H.C.P.No.2768 of 2019

Smt.Adivishnu Gayatri Devi

...

Petitioner

Vs

1. The Director General of Police
State of Tamil Nadu
Chennai.
2. The Commissioner of Police
Chennai City
Chennai.
3. The Deputy Commissioner of Police
T. Nagar
Chennai.
4. State
rep. By The Inspector of Police
Kodungaiyur Police Station
Kodungaiyur
Chennai.
5. Sri Adivishnu Nagendra Prasad
6. Smt.Adivishnu Lavanya

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondent No.4 to produce petitioner's minor daughter Miss.Sade Naga Akhila, D/o. Sade Babu Prasad, aged 16 years (D.O.B.1/8/2004), first year intermediate, who is in the illegal custody of the respondent Nos.5 and 6 before this Court and to handover her custody to the petitioner being the natural guardian.

For Petitioner ... M/s.G.Amulya Spencer

For respondents... Mr.R.Pratap Kumar
1-4 Additional Public Prosecutor.

O R D E R

(Order of the Court was made by R.Subbiah, J)

Petitioner, who is the mother of minor daughter, viz., Sade Naga Akhila, aged 16 years, has filed the instant Habeas Corpus Petition, to direct the fourth respondent to produce the petitioner's minor daughter, who is under the illegal custody of respondent Nos.5 and 6 before this Court and handover to the petitioner forthwith being the natural guardian.

2. Heard M/s.G.Amulya Spencer, learned counsel for the petitioner and Mr.R.Pratap Kumar, learned Additional Public Prosecutor for the respondents 1 to 4.

3. Today, when the matter is taken up for consideration, detinue was produced. On enquiry, she has stated that from childhood she is living with fifth and sixth respondents, who are none other than the petitioner's brother and his wife, respectively. Petitioner handed over the detinue to the grand mother of the detinue. Grand mother of the detinue, fifth and sixth respondents are all residing in the same house. Grand mother had expired three years back. Thereafter, the petitioner is making an attempt to take her into custody. Detinue has also stated that she is not in the illegal custody of fifth and sixth respondents. She also expressed her unwillingness to go along with the petitioner.

4. From the above facts, it could be deduced that detinue is not in the illegal custody of fifth and sixth respondents. Hence, nothing survives for adjudication in the petition. The Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs

To

1. The Director General of Police
State of Tamil Nadu
Chennai.
2. The Commissioner of Police
Chennai City
Chennai.
3. The Deputy Commissioner of Police
T. Nagar
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4. The Inspector of Police
Kodungaiyur Police Station
Kodungaiyur
Chennai.
5. The Public Prosecutor
High Court of Madras
Madras

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nr 30/01/2020