

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2019

CORAM

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

H.C.P. No. 2830 of 2018

P.Dhanalakshmi ... Petitioner

-vs-

1.The Inspector of Police,
AWPS, Adyar Police Station,
Chennai.

2.K.Srinivasan

3.S.Parimala

4.The Child Welfare Committee,
Chengalpattu - 603 002
Kancheepuram District.

(R4 impleaded as suo motu
vide order dt. 22/4/19)

... 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 body of the petitioner's daughter Parkavi, aged about 6 years, the detinue from the illegal custody of 2nd and 3rd respondents before this Court and hand over her to the petitioner.

For Petitioner : Mr.S.Marshall

For Respondents : Mr.R.Prathap Kumar
: Addl. Public Prosecutor for R1
***Mr.D.Stephen for R2 & R3**

ORDER

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

The petitioner is the mother of the minor child aged about 7 years studying in third standard. Seeking custody of the child/detenuue, the present habeas corpus petition has been filed.

2. Considering the sensitivity of the issue involved, this Court earlier asked the District Child Welfare Committee, Chengalpet to file a report after examining the parties including the child. Similarly, the Assistant Professor of Psychology, Department of Psychiatry, Government Chengalpattu Medical College and Hospital, Chengalpattu was also asked to file a report.

3. We have perused the recommendations by the Probation Officer and also the report of the Child Welfare Committee. The report of the Child Welfare Committee, which we do not want to record in this proceedings would suggest that it would be appropriate in the interest of justice to allow the minor child to be with the father. After perusing the same, we directed the learned counsel for respondents 2 and 3 to produce the child. The child's statement also indicates the same.

4. For the reasons as indicated above, we do not also wish to record the statement of the child. Suffice it to state that there is no illegal detention involved and the interest of the child is well safeguarded at the hands of the second respondent.

5. Accordingly, the Habeas Corpus Petition stands dismissed. However, liberty is given to the petitioner to file appropriate petition before the jurisdictional Court, if so advised. We make it clear that our observations are only prima facie in nature, the jurisdictional Court is expected to decide the matter on its own merits without being influenced by any of the observations.

Sd/-

Assistant Registrar(CJ Conf)

dated:11/10/2019

***Appearance in respect of R2&R3
carried out as per letter of the
Respondent dated 26.11.2019**

-s/d-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

1.The Inspector of Police,
AWPS, Adyar Police Station,
Chennai.4.

2.The Child Welfare Committee,
Chengalpattu - 603 002
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Steepahan,Advocate SR.No. 78620 (19/11/2019)

+1cc to Mr.D.Steepahan,Advocate SR.No. 78620 (22/11/2019)

H.C.P. No. 2830 of 2018

mr

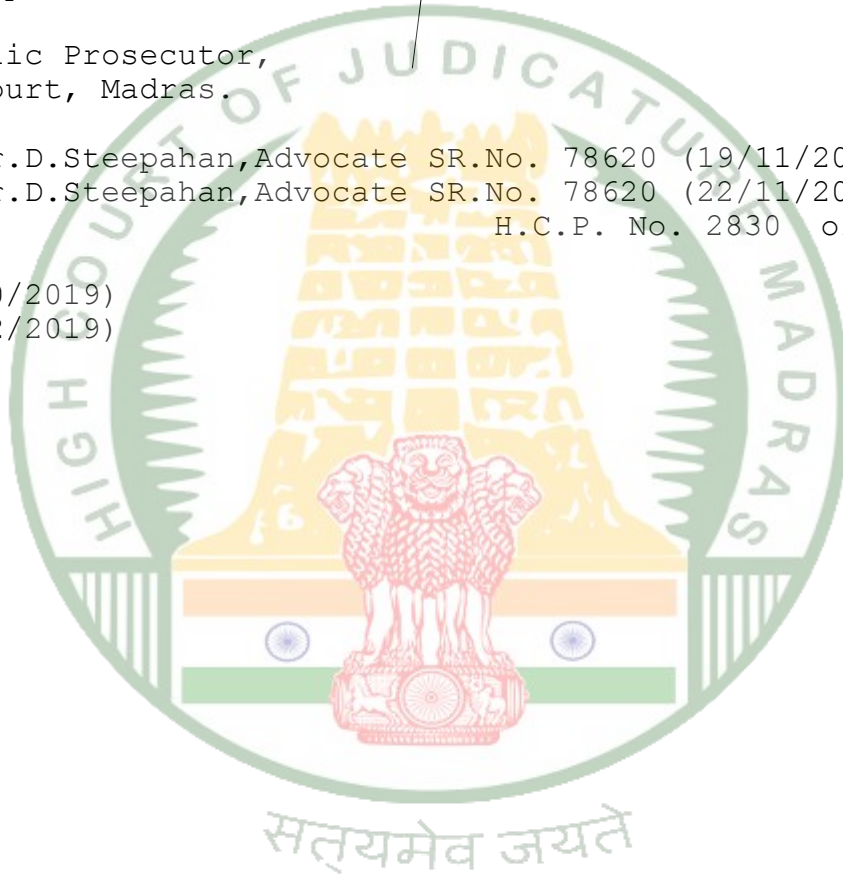
A.SK(14/10/2019)

A.SK(02/12/2019)

***to be substituted**

For the order already

despatched on 07.11.2019



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