



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.636 of 2019

Smiley Rajakumari

... Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Vadapagam Police Station,
Thoothukudi District.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the 1st and 2nd Respondents to produce the body or person of the detenu, Godwin Prabhu S/o.Prawinster, aged about 5 years before this Hon'ble Court and hand over the custody to the petitioner.

For Petitioner

: Mr.A.Joseph Jerry

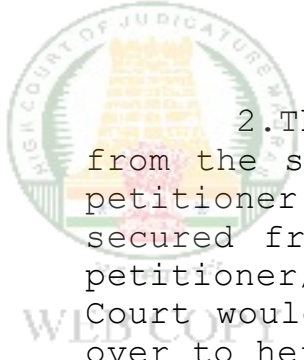
For Respondents

: Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

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

The petitioner is the mother of the minor detenu viz., Godwin Prabhu, aged about 5 years (D.O.B. 25.09.2014). In the affidavit filed in support of the petition, she would aver among other things that she got married to one Prawinster on 04.09.2013 and out of the wedlock the minor detenu was born and thereafter there is a matrimonial discard between them and therefore, she is residing with her parents. The petitioner would further state that she has admitted the minor detenu in St. Patricks Nursery and Primary School, Thoothukudi and he was forcibly taken on 05.07.2019 by persons, who are capable of identification. Since the petitioner is very much concerned with the whereabouts and wellbeing of his son, came forward to file this Habeas Corpus



2.The learned Additional Public Prosecutor on instructions from the second respondent would submit that the complaint of the petitioner was assigned CSR No.362 of 2019 and the child was secured from her husband and handed over to the petitioner. The petitioner/mother of the detenu, who is also present before this Court would submit that the custody of the detenu has been handed over to her.

3.This Court also gone through the complaint given by the petitioner and it would disclose that without permission or consent of the school authority the child of tender age, about 5 years, was taken by two persons, capable of identification and they are the husband and brother-in-law of the petitioner. It is open to the second respondent to proceed further as to the contents of the complaint given by the said school in CSR No.362 of 2019 and cause enquiry in accordance with law.

4.In view of the development as pointed above, nothing survives for adjudication in this petition. Hence, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Thoothukudi District.
- 2.The Inspector of Police,
Vadapagam Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.JOSEPH JERRY, Advocate SR-75320.

H.C.P (MD) No.636 of 2019
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