

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2020

CORAM

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

H.C.P.No.63 of 2020

Ramu
S/o.Raju

... Petitioner

Vs

1.The State represented by
The Inspector of Police,
Thirumullaivoyal Police Station,
Thirumullaivoyal, Chennai - 62.

2.Jothi
W/o.Ramu

3.Raja
S/o.Rajendran

... 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 R.Abinesh, 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.M.P.Saravanan

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor [R1]

O R D E R

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

Petitioner has filed the present petition seeking a direction to first respondent to produce the petitioner's minor son R.Abinesh, aged about 6 years, before this Court from the illegal custody of respondents 2 and 3 and hand over to the petitioner.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor for first respondent.

3. Learned counsel for petitioner submits that the detenu was in the custody of petitioner for the past one year and the second respondent illegally has taken him.

4. Though very many contentions have been raised, this Court finds that respondents 2 and 3 are none other than the wife and brother-in-law of petitioner. The detenu is in the custody of his mother. The factual aspect would show that it is a family dispute and there is no illegal detention of detenu.

Accordingly, the Habeas Corpus Petition is dismissed. It is open to the petitioner to approach the appropriate Court seeking custody of detenu, if he so desires.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Inspector of Police,
Thirumullaivoyal Police Station,
Thirumullaivoyal, Chennai - 62.

2.The Additional Public Prosecutor,
High Court, Madras.

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