

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

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

H.C.P.No.330 of 2020

C.Nareshkumar

... Petitioner

Vs

1. State by Inspector of Police
K-5 Peravallur Police Station,
Peravallur, Chennai 600 082

2. Chandru

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the first respondent herein to produce the body of the petitioner's minor girl Jenisha, aged about 10 years now in the custody of the second respondent, before this Court and hand over custody to the petitioner.

For Petitioner : M/s.V.V.Sairam

For Respondent : Mr.R.Prathap Kumar
Additional Public Prosecutor for R1
Mrs.S.Shanthi for R2

O R D E R

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

Today, the Detenu/Petitioner's daughter, viz., Jenisha, aged about 10 years, is produced before this Court, by the first Respondent/ Inspector of Police, K-5 Peravallur Police Station, Peravallur, Chennai 600 082.

2. Petitioner is the father of the minor girl Jenisha, aged about 10 years. It is the case of the petitioner that the marriage between him and his wife/Sharmila took place in the year 2008. During January 2018, the petitioner had gone to Saudi Arabia for employment. Whenever he tried to contact his wife, her mobile was in switch off mode. After he returned to Chennai during November 2018, he went to his mother-in-law's house and enquired about his wife, and his mother-in-law said that she left six months back and she did not return home.

Even he enquired in the hospital where she was working, but it was informed that she did not attend office for the past six months. When he enquired about his minor daughter Jenisha in the school, it was informed that his daughter did not come to school for the past six months. Hence, he gave a complaint to K-9 T.V.K.Nagar Police Station, Chennai, for which C.S.R.No.702 of 2019 was issued. On enquiry, he came to know that his wife is having illegal relationship with the second respondent and she had filed a divorce petition. Though complaint was given on 04.11.2019, no steps have been taken to know about the whereabouts of his daughter. Under these circumstances, the present petition has been filed.

3. Petitioner, second respondent, petitioner's wife and daughter were enquired by this Court. The petitioner had stated that his wife had developed illicit relationship with the second respondent, but the second respondent denied the same. The petitioner's wife/Sharmila stated that the petitioner/husband gave sexual harassment to her and thus she filed a police complaint in this regard and also denied the illegal relationship with the second respondent as stated by the petitioner/husband. When the child was enquired, she stated that she is willing to go along with her mother.

4. In view of the above circumstances, we are of the opinion that the child is not in illegal custody and she is only with her mother/natural guardian. Hence, the Habeas Corpus Petition stands disposed of. The petitioner is at liberty to work out his remedy before the appropriate forum in the manner known to law, if he so desires.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

सत्यमेव जयते Sub Assistant Registrar

dpq

To

1. The Inspector of Police
K-5 Peravallur Police Station,
Peravallur, Chennai 600 082

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.V.Sairam, Advocate SR.No.17113

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PM(CO)
GMY(10/06/2020)

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