

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

H.C.P. No. 516 of 2020

K.V. Theivaneethi

..Petitioner

Vs.

1. Inspector of Police (L & O),
Velachery Police Station,
Velachery, Chennai - 600 042.

2. K. Aswanth Bethannavel ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Habeas Corpus to direct the first respondent to produce the petitioner's minor children namely, T. Deekshanya Roy age 16 years, and T. Pranava Sastha, age 10 years before this Hon'ble Court from the custody of the 2nd respondent and hand over to the petitioner.

For Petitioner :: Mr.A.Kumararaja

For Respondents :: Mr.R. Prathap Kumar
Addl. Public Prosecutor

सत्यमेव जयते
O R D E R

(Order of the Court was made by N. KIRUBAKARAN, J.)

The present Habeas Corpus Petition has been filed by the petitioner for a direction to the 1st respondent to produce his two minor children, namely, T. Deekshanya Roy age 16 years, and T. Pranava Sastha, age 10 years, before this Court from the custody of the 2nd respondent and hand over them to the petitioner.

2. The 2nd respondent is the brother-in-law of the petitioner. It appears that there is a dispute between the petitioner and his wife and they are living separately. Though certain allegations have been made against the petitioner with regard to his attitude towards his daughter, this Court is not inclined to go into the said issue as already an FIR has been registered against him under the provisions of POSCO Act. Moreover, the petitioner's daughter was produced by the 2nd respondent and she was present before this Court in the last hearing. Since the children are only under the custody of the mother, it cannot be called as illegal custody.

3. Therefore, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1. The Inspector of Police (L & O),
Velachery Police Station,
Velachery, Chennai - 600 042.
2. The Public Prosecutor,
High Court, Madras.

H.C.P. No. 516 of 2020

SJ(CO)
RSI (22/05/2020)

सत्यमेव जयते

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