

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice V.SIVAGNANAM

H.C.P. No.196 of 2021

Dr.S.Arun Kumar

.. Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Nethimedu, Salem District - 636 002.

2. The Inspector of Police,
W-3 Women Police Station,
Suramangalam,
Salem District - 636 005.

3. Saranya

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondents to produce the body of the detenu by name minor child A.Vadhani, aged about 3 years and 10 months before this Court to hand over the custody of the petitioner, who is the father of the detenu.

For Petitioner : Mr.N.R.R.Arun Natarajan
For RR 1 and 2 : Mr.R.Prathap Kumar
Additional Public Prosecutor

For R3 : Mr.N.Anand

ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

This habeas corpus petition has been filed seeking to direct the respondents to produce the body of the detenu by name minor child A.Vadhani, aged about 3 years and 10 months before this Court to hand over the custody of the petitioner, who is the father of the detenu.

2. On 12.02.2021, this Court passed the following order:

"When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted the second respondent herein is not the jurisdictional police and the jurisdictional police is the Inspector of Police, All Women Police Station, Mallur, Salem District.

2. The petitioner is directed to implead the Inspector of Police, All Women Police Station, Mallur, as respondent in this case. The petitioner shall appear before the Inspector of Police, All Women Police Station, Mallur and give a written complaint. On such complaint being filed the Inspector of Police, All Women Police Station, Mallur, shall give C.S.R. number for the same and conduct an enquiry.

Post the matter on 22.02.2021. "

3. Pursuant to the aforesaid order, on a complaint given by the petitioner, a petition enquiry in Mallur Police Station C.S.R.No.43 of 2021 has been registered and enquiry is in progress.

4. Mr.N.Anand has entered appearance for the third respondent. In the statement of the third respondent to the police during enquiry in C.S.R.No.43 of 2021, she has stated that she is living in Door No.2/32, Soudambiga Nagar, Dasanayagenpatti Post, Salem - 636 201 and her Mobile No.98841 22351.

5. The third respondent is directed to enter appearance in the contempt petition in O.A.No.216 of 2020 that has been filed by the petitioner before the learned Single Judge of this Court.

6. In view of the above, this Court is of the view that there is no illegal custody of the child A.Vadhani, aged about 3 years and 10 months, for the issuance of a writ of habeas corpus.

Hence, this habeas corpus petition is closed.

sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

nsd

To

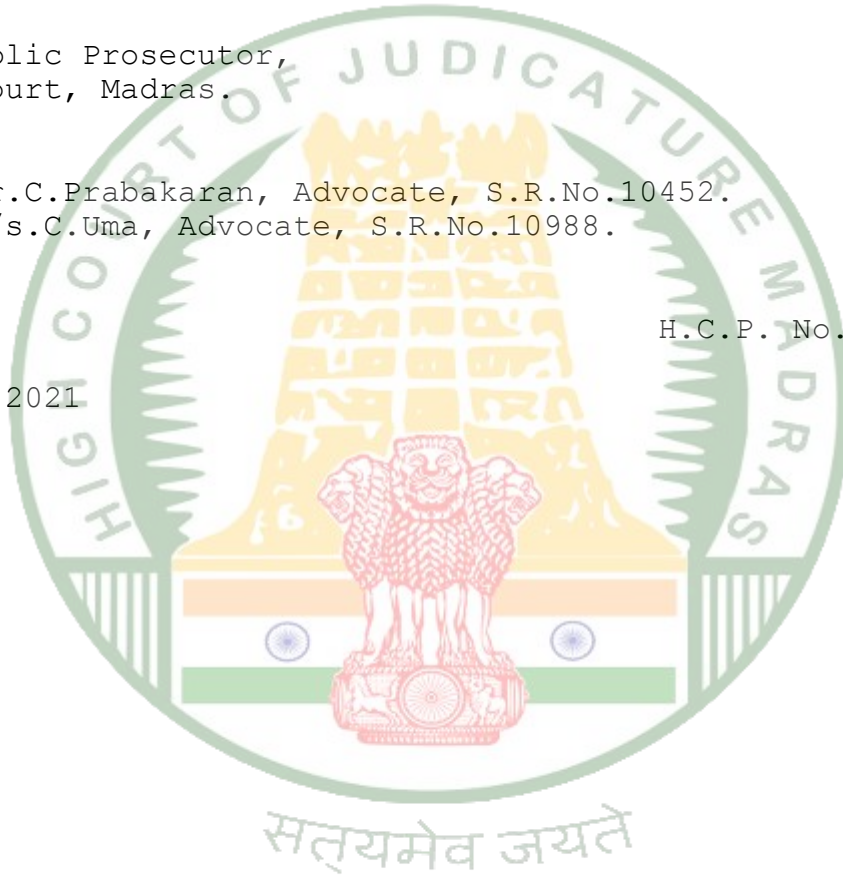
1. The Superintendent of Police,
Office of the Superintendent of Police,
Nethimedu, Salem District - 636 002.
2. The Inspector of Police,
W-3 Women Police Station,
Suramangalam,
Salem District - 636 005.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.10452.

+1cc to M/s.C.Uma, Advocate, S.R.No.10988.

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NMI (CO)
CSR 18.03.2021



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