

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

Coram

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

H.C.P. No.348 of 2021

N.Devendran

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Anna Nagar,
Chennai - 600 007.

2.The Inspector of Police,
ICF Police Station,
Chennai.

3.Pavithra

... 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 child viz., D.Pradisha, aged about 2 years, from the illegal custody of the 3rd respondent, before this Court and entrust the child to the lawful custody of her father/petitioner herein.

For Petitioner : Mr.C.Saravanakumar

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

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 child viz., D.Pradisha, aged about 2 years, from the illegal custody of the 3rd respondent, before this Court and entrust the child to the lawful custody of her father/petitioner herein.

2. It is the case of the petitioner that his daughter Pradisha, aged about 2 years, is in the illegal custody of the

third respondent and that the police are not taking effective steps to secure her.

3. Today, Mr.S.S.Yuvaraj, Sub-Inspector of Police, ICF Police Station, Chennai, is present. Pavithra (Mobile No.90802 38434), residing at Door No.371, Avvaiyar Street, Ramji Nagar, Naduveerapattu, Kanchipuram District, is also present along with her child Pradisha, aged about 2 years.

4. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in ICF Police Station Crime No.80 of 2020 was registered for 'woman missing' on 17.03.2020. He further submitted that on 19.03.2020, Pavithra and Pradisha were secured and on account of marital discord, Pavithra refused to join the petitioner.

5. When this Court enquired Pavithra, she stated that she is not willing to go with the petitioner.

Recording the same, this habeas corpus petition is closed with liberty to the parties to work out their remedies in the manner known to law.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nsd
To

1.The Deputy Commissioner of Police,
Anna Nagar,
Chennai - 600 007.

2.The Inspector of Police,
ICF Police Station,
Chennai.

3.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

H.C.P. No.348 of 2021

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