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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.09.2021

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Ms.JUSTICE R.N.MANJULA

H.C.P.No.1673 of 2020

A.Malar Selvi .. Petitioner
Vs.

1. The Commissioner of Police
Greater Chennai Police
Poonamallee, Chennai

2. The Inspector of Police
SRMC Police Station
Porur, Chennai

3.Velankanni

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the respondents 1 and 2 herein to produce the body of the detenu viz., Niran Antony Camilus, aged 8 years, who is the son of the petitioner herein, from the illegal custody of the 3rd respondent and his associates before this Court and handover him to the petitioner.

For Petitioner : Mr.A.M.Natraj

For R1 and R2 : Mr.R.Muniyapparaj
Addl. Public Prosecutor

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

It is the case of the petitioner that she got married to Velankanni (3rd respondent) on 19.10.2011 and through the wedlock, she has a son viz., Niran Antony Camilus, who is 8 years old; while that being so, she got estranged from



Velankanni and was living separately. It is her further case that she got re-married to one Mariappan and is living with him in Porur, Kancheepuram District.

2. It is her allegation that on 24.07.2020, Velankanni came to her house and had taken away her son.

3. On the aforesaid allegation, the petitioner has filed the present habeas corpus petition, seeking custody of her son.

4. The fact remains that during the subsistence of the petitioner's marriage with Velankanni, she has got re-married to Mariappan. As she had got re-married to Mariappan, Velankanni has taken his son with him to Tiruvannamalai.

5. In such view of the matter, it cannot be stated that the custody of Niran Antony Camilus with his father Velankanni cannot be said to be per se illegal, for issuance of a writ of habeas corpus. It is always open to the petitioner to work out her remedy, seeking custody and guardianship before the appropriate Court.

With the above observation, this petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police
Greater Chennai Police
Poonamallee, Chennai
2. The Inspector of Police
SRMC Police Station
Porur, Chennai
3. The Public Prosecutor
High Court, Madras.

H.C.P.No.1673 of 2020

RSV(CO)
SU(12/10/2021)