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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mrs. Justice R.HEMALATHA

H.C.P.No.1890 of 2021

Arunachalam

.. Petitioner

Vs.

1.The Assistant Commissioner of Police,
Ambattur, Chennai.

2.State represented by
The Inspector of Police,
T-10, Thirumulaivoyal Police Station,
Chennai.

3.Dhanlakshmi @ Pushpa

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus direct the 1st respondent to secure and produce the petitioner's minor granddaughter Sathyasri, aged about 8 years, before this Court and hand over to the petitioner.

For Petitioner : Mr.D.Magesh

For RR 1 and 2 : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

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

This habeas corpus petition has been filed seeking to direct the 1st respondent to secure and produce the petitioner's minor granddaughter Sathyasri, aged about 8 years, before this Court and hand over to the petitioner.

2. It is the case of the petitioner that his son Rajkumar got married to Dhanlakshmi, third respondent herein, on 01.06.2012 and they were blessed with a female child Sathyasri,



who is now 8 years old. Rajkumar died on 14.02.2015 due to ill-health.

3. It is alleged by the petitioner that Dhanlakshmi has married one Arunkumar and she is not permitting free access to him to see his granddaughter Sathyasri. On these allegations, the present habeas corpus petition has been filed.

4. In our considered opinion, the custody of the child with its mother cannot be said to be per se illegal for the issuance of a writ of habeas corpus.

Hence, this habeas corpus petition stands closed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Assistant Commissioner of Police,
Ambattur, Chennai.
2. The Inspector of Police,
T-10, Thirumulaivoyal Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1890 of 2021

KV(CO)
CT/14/12/2021