



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2021

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.202 of 2021

M.Ravichandiran ... Petitioner/Grand father of the detenue

-vs-

1.The Superintendent of Police,
Dindigul District, Dindigul.

2.The Superintendent of Police,
Madurai District, Madurai.

3.The Inspector of Police,
Y.Othakadai Police Station,
Y.Othakadai, Madurai.

4.S.Prakash ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the 2nd and 3rd Respondents to produce the person or body of the detenue namely P.Rishikaa, D/o.S.Prakash, aged about 5 years before this Court and hand over her to the petitioner's custody.

For Petitioner: Mr.S.Amala Irudhayamary

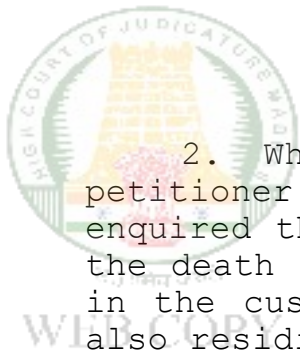
For R1 to R3 : Mr.K.Dinesh Babu
Additional Public Prosecutor

For R4 : Mr.K.Swamidurai

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This habeas corpus petition has been filed directing the respondents 2 & 3 to produce the petitioner's grand-daughter, namely P.Rishikaa, D/o.S.Prakash, aged about 5 years before this Court and hand over her to the petitioner's custody.



2. When the matter was taken up for hearing today, the petitioner and the fourth respondent appeared before this Court. We enquired the parties. The fourth respondent would state that after the death of his first wife, namely, Backialaskhmi, the detinue was in the custody of her maternal aunt and the fourth respondent was also residing with them and during the period, some misunderstanding arose between them. It is also stated that already the matter was enquired by the Child Welfare Committee and an order has been passed permitting the fourth respondent to have custody of the detinue. He further stated that only at their advise, he contracted the second marriage with one Jothi, who was a divorcee and having a child and they are living together. On enquiry, the detinue would state that she is not willing to go with her grand-father, the petitioner and she wants to be with her father, the fourth respondent herein.

3. In the light of the above facts, we find no merits in the habeas corpus petition and hence, this petition is dismissed giving liberty to the petitioner to work out his remedy before the competent Civil Court.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Superintendent of Police,
Madurai District,
Madurai.



3.The Inspector of Police,
Y.Othakadai Police Station,
Y.Othakadai,
Madurai.

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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SMV (CO)
TR(12.03.2021) 3P 5C