



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2021

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and**

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.1023 of 2021

T.Nirmal Raj ... Petitioner/Father of the detenu

-vs-

1.The State represented by
the Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti,
Thoothukudi District.

3.Mrs.Isabellarani

4.Palanikumar ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents 1 and 2 to produce the person or body of the detenu namely Kanishka (Minor), daughter of Nirmalraj, aged about 9 years, before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.N.Saravanan
For R1 & R2 : Mr.T.Senthil Kumar
Standing counsel
for the State

O R D E R

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

The Habeas Corpus Petition has been filed for a direction to the respondents 1 and 2 to produce the petitioner's daughter viz., Kanishka, aged about 9 years and hand over the custody to the petitioner.



2. It appears that the petitioner's wife, mother of the detenu Vijayalakshmi passed away on 07.12.2012. It is an admitted fact that since then the detenu is under the care and custody of her grandparents, the respondents 3 and 4 herein.

3. It is the contention of the learned counsel for the petitioner that the private respondents have prevented the petitioner from visiting his child and hence, he lodged a complaint with the second respondent and filed the present Habeas Corpus Petition.

4. When the matter is listed for admission, the petitioner, the respondents 3 and 4 herein and the detenu appeared from the Public Prosecutor office. On enquiry, the detenu would state that she could not remember when she last seen her father and she is not willing to go with him.

5. The grievance of the petitioner is that he is not permitted to visit his daughter. In the light of the statement of the detenu and also taking note of the facts of this case, without making any observation, we thought it appropriate to close the Habeas Corpus Petition leaving the parties to work out their remedy before the competent Civil Court.

6. Accordingly, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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,
Thoothukudi District,
Thoothukudi.



2.The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti,
Thoothukudi District.

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

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AR (CO)
LR (03.08.2021) 3P 4C