



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

H.C.P.NO.687 OF 2022

N.Saraswathi

... Petitioner

Vs.

1. The Superintendent of Police,
Coimbatore District,
Coimbatore.
2. The Sub Inspector of Police,
Kovilpalayam Police Station,
Coimbatore.
3. Pongodi

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent to produce the petitioner's minor grandson Kathikshan, aged about 7 years, son of Late Loganathan before this Court from the custody of the third respondent and hand over to the petitioner.

For Petitioner : Ms.T.Gnana Banu

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

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking a direction to the second respondent to produce the petitioner's minor grandson Kathikshan, aged about 7 years, son of Late



Loganathan, before this Court from the custody of the third respondent and hand over to the petitioner.

2. It is the case of the petitioner that her grandson Kathikshan, child born through her son, is in the illegal custody of the third respondent, who is none other than the maternal grandmother of Kathikshan.

3. It appears that Kathikshan's both parents died in an accident, after which, Kathikshan was initially was in the custody of the petitioner and thereafter, his custody is now with the third respondent.

4. On these allegations, the present habeas corpus petition has been filed.

5. Today, G.Beenabindu (Mobile No.94981 93256), Women Head Constable 793, Kovilpalayam Police Station, Coimbatore District, is present.

6. On instructions, the learned Additional Public Prosecutor submitted that during the course of enquiry, it came to light that the parties have filed applications under the Guardians and Wards Act, 1890, for guardianship and custody of Kathikshan. However, the petitioner has not disclosed about those information in her affidavit.

7. When enquired by us, the learned counsel for the petitioner submitted that a petition in G.W.O.P.No.95 of 2021 has been filed in the District Court, Erode.

8. Under such circumstances, it cannot be stated that Kathikshan is in the illegal custody of the third respondent for the issuance of a writ of habeas corpus.

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

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

nsd



To

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

2. The Sub Inspector of Police,
Kovilpalayam Police Station,
Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

H.C.P.No.687 of 2022

ER(CO)
RLP(23/06/2022)