



H.C.P.No.2509 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.12.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

H.C.P.No.2509 of 2022

Ramkumar Radhakrishnan

.. Petitioner

Vs.

1.The Superintendent of Police
Coimbatore District

2.The Inspector of Police
Rathinapuri Police Station
Coimbatore 641 027

3.The Sub-Inspector of Police
Rathinapuri Police Station
Coimbatore 641 027

4.Poshika

5.Nandagopal Govindan

6.Sujatha Nandagopal

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying
to issue a WRIT OF HABEAS CORPUS directing the respondents to



H.C.P.No.2509 of 2022

produce the body of the petitioner's daughter Nehashree, aged about five years, before this Court and hand over to the petitioner.

For Petitioner : Mr.Suhrith Parthasarathy

For R1 to R3 : Mr.R.Muniyapparaj
Additional Public Prosecutor

For R4 to R6 : Mr.S.Chandrsekar

ORDER

[Made by N.ANAND VENKATESH, J.]

The father of the detenue has filed this petition to produce the body of his daughter Nehashree, aged about five years.

2. The learned Additional Public Prosecutor, on instructions, submitted that the petitioner married the 4th respondent and through the said wedlock, the detenue *viz.*, Nehashree was born on 21.12.2017. It was further submitted that there was some misunderstanding between the petitioner and the 4th respondent and hence, the 4th respondent decided to go away from the matrimonial home along with the detenue; the 4th respondent went to the United States on 10.08.2022 and is now staying along with the



H.C.P.No.2509 of 2022

detenue in the United States.

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3. Mr.S.Chandrasekar, Advocate (Enrolment No.793/2000), who undertakes to file vakalat for the respondents 4 to 6 submitted that the detenue is now in the custody of the 4th respondent and they are now residing at 1541, Villa Lane, Mc Lean VA 22101, USA and the 4th respondent is pursuing her Masters in I Global University.

4. In the considered view of this Court, custody of the child in the hands of the 4th respondent, who is its mother, cannot be called as illegal custody. If the petitioner wants to work out his remedy with regard to the custody of the child, the petitioner has to necessarily knock at the doors of the appropriate Court and not this Court.

Recording the above, this habeas corpus petition stands closed.

[P.N.P., J.] [N.A.V., J.]

06.12.2022

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P.N.PRAKASH, J.
AND

3/4



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H.C.P.No.2509 of 2022

N.ANAND VENKATESH, J.

gya

To

1.The Superintendent of Police
Coimbatore District

2.The Inspector of Police
Rathinapuri Police Station
Coimbatore 641 027

3.The Sub-Inspector of Police
Rathinapuri Police Station
Coimbatore 641 027

4.The Public Prosecutor
High Court, Madras

H.C.P.No.2509 of 2022

06.12.2022