



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.496 of 2022

WEB COPY

Deepak Karthikeyan ... Petitioner

Vs.

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

2. The Inspector of Police,
Thiruvudaimaruthur Police Station,
Thanjavur District.

3. Rajesh Kumar ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, directing Respondents 1 and 2 to produce the person or body of the petitioner's Minor child the detenué namely, Krish Deepak, S/o Deepak Karthikeyan, aged 2 years, before this court and handed over custody to the petitioner.

For Petitioner : Mr.S.Poornachandran

For Respondents 1 & 2: Mr.T.Senthil Kumar

Additional Public Prosecutor

O R D E R

R.SUBRAMANIAN, J.

AND

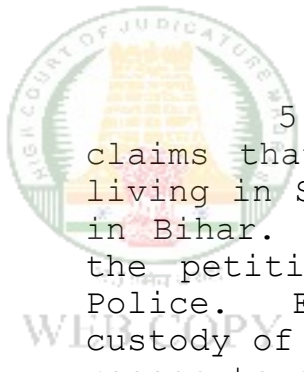
N.SATHISH KUMAR, J.

The petitioner seeks production of his minor child Krish Deepak, aged 2 years.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. According to the petitioner, the child has been taken away by his mother, who is living in Serbia. Claiming that the custody of the child has been given to the third respondent, who is in Bihar, the petitioner has lodged a complaint with the respondent Police at Thiruvudaimaruthuar in Thanjavur District.

4. Mr.T.Senthil Kumar, learned Additional Public Prosecutor, upon instructions, would submit that the child is nowhere in the vicinity of Thiruvudaimaruthur in recent times.



5. While the petitioner is working in Toronto (He now claims that he is in Thanjavur), the wife/mother of the child is living in Serbia. The father-in-law namely, the third respondent is in Bihar. We therefore, do not see any *bonafide* in the action of the petitioner in making a complaint with the second respondent Police. Even according to the petitioner, the child was in the custody of the mother. That being a legal custody, we do not see any reason to entertain this Habeas Corpus Petition. Hence, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Rm

To:

- 1.The Superintendent of Police,
Thanjavur District,
Thanjavur.
2. The Inspector of Police,
Thiruvaidaimaruthur Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. POORNACHANDRAN, Advocate (SR-16629[F] dated
05/04/2022)

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