



WEB COPY



HCP.No.241 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND**

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.241 of 2024

Mary Daisy

.. Petitioner

Vs.

1.The State rep. by
The Senior Superintendent of Police,
Orleanpet,
Puducherry.

2.The State Rep. by
The Inspector of Police,
Orleanpet Police Station,
Orleanpet.

3.Nelson Anthony

.. 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 body of the petitioner's grand daughter namely Juanita Antonio, aged 15



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years before this Court from the illegal custody of the third respondent herein and set her at liberty.

For Petitioner : Mr.A.R.Suresh
For Respondents : Mr.K.S.Mohandas
Public Prosecutor (Puducherry)
for R1 and R2

ORDER

(Order of the Court was made by **M.S.RAMESH,J.**)

Claiming that the petitioner's grand daughter, who is a minor, is in the illegal custody of the third respondent herein, the present Habeas Corpus Petition has been filed.

2. In the affidavit filed in support of the present petition, it is stated that the third respondent herein is the petitioner's brother and the uncle of the minor detainee. It is stated that after the minor detainee's parents had passed away, the third respondent herein has filed a petition in G.O.P.No.1



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of 2023 on the file of the family Court, Puducherry, and by an ex parte order dated 31.03.2023, the petition came to be ordered, declaring the third respondent herein as the legal guardian of the minor detinue.

3. It is in this background, the detinue is in the care and custody of the third respondent herein. While that being so, we are unable to comprehend as to how the custody of the petitioner's grand daughter to the third respondent herein could be termed to be illegal. As a matter of fact, it would amount to be a legal custody in view of the order of the Court appointing the third respondent as a legal guardian. Hence, the prayer sought for in the present Petition does not require any consideration.

4. Accordingly, this Habeas Corpus Petition stands closed.

(M.S.R.,J.) (S.M.,J.)
25.03.2024

NCC : Yes / No
Index : Yes / No
Anu



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M.S.RAMESH,J.
and
SUNDER MOHAN,J.

Anu

To

1.The Senior Superintendent of Police,
Orleanpet,
Puducherry.

2.The Inspector of Police,
Orleanpet Police Station,
Orleanpet.

3.The Public Prosecutor,
Madras High Court

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