



WEB COPY



HCP.No.886 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.886 of 2024

V.Sanjay

... Petitioner

Vs.

1. The Commissioner of Police,
132, EVK Sampath Road,
Veppery, Chennai - 600 007.
2. Inspector of Police,
NRI Cell, Ashok Nagar,
R3 Police Station, Ashok Nagar,
Chennai.
3. Padmaraj Kumar Ramadorai
4. O.A.Ramadurai
5. Vijaya Ramadurai

... 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



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the detinue, Aadith aged 20 years before this Court and from the legal custody of

the respondent Nos.3 to 5, and to handover his custody to the legal guardian.

For Petitioner : Mr.P.M.Bakthavatsalam
For R1 & R2 : Mr.E.Raj Thilak
Additional Public Prosecutor
For R3 : Mr.G.R.Hari
For R4 & R5 : Ms.R.C.Varsha

ORDER

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

The present habeas corpus petition has been instituted seeking a direction to the respondents 1 and 2 to produce the body of the detinue viz., Mr. Aadith aged 20 years before this Court from illegal custody of the respondents 3 to 5.

2. The petitioner is the maternal uncle of the detinue viz., Mr.Aadith. The 3rd respondent is the biological father of the detinue. The 4th and 5th respondents are the paternal grand parents of the detinue.



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3. The learned Counsel appearing on behalf of the petitioner would submit that the mother of the detainee is residing at United States of America.

Mr.Aadith was taken out from United States of America by the 3rd respondent without the permission of the Court, which passed an order in favour of the mother of the detainee. It is further contended that the mother of the detainee, who is residing in States may be permitted to visit the detainee viz., Mr.Aadith.

4. Admittedly, the detainee viz., Mr.Aadith is aged 20 years and a major. His father/3rd respondent and paternal grandparents/respondents 4 and 5 are looking after the detainee. In order to ascertain the fact, the detainee was directed to be present and accordingly, he is present along with his father before this Court. The detainee viz., Mr.Aadith is capable of understanding the questions posed by this Court. In clear terms he answered by stating that he is willing to stay with his father at Chennai. His paternal grand parents are also taking care of him. Even for multiple questions asked by this Court, the detainee able to provide clear answer by stating that he is happy with his father and grand parents and leading a happy life.

5. In view of the above statement made by the detainee viz., Mr.Aadith



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before this Court, we could arrive at irresistible conclusion that there is no illegal detention as such established. Thus, this Habeas Corpus Petition is not entertainable and consequently stands **dismissed**.

[S.M.S., J.]

[V.S.G., J.]

09.08.2024

veda

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To

1. The Commissioner of Police,
132, EVK Sampath Road,
Veppery, Chennai - 600 007.
2. Inspector of Police,
NRI Cell, Ashok Nagar,
R3 Police Station, Ashok Nagar,
Chennai.
3. The Additional Public Prosecutor,
Madras High Court.



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AND
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