



HCP.No.1019/2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.05.2024

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

HCP.No.1019/2024

Deepak Raj @ Siva

...

Petitioner

Versus

1.The Superintendent of Police
Thiruvallur District, Thiruvallur.

2.The Inspector of Police
D5 Manvala Nagar Police Station
Thiruvallur District.

...

Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents 1 and 2 to produce the body of the detenu namely Keshikan, son of Deepak Raj aged about 3 years and hand over his custody to the petitioner forthwith.



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For Petitioner : Mr.Naveen Srinivasan
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

- (1)Mr.A.Gokulakrishnan, learned Additional Public Prosecutor takes notice for respondents 1 and 2.
- (2)The present Habeas Corpus Petition is filed by the petitioner / father of the minor detenu boy aged about 3 years, who is said to be in the custody of his wife Vaishali.
- (3)The case of the petitioner is that due to matrimonial discard, the wife of the petitioner filed a divorce petition in HMOP No.271/2023 before the Family Court, Tiruvallur. The petitioner further states that on the petition filed by him in IA.No.3/2024 in HMOP No.271/2023, the petitioner got visitation rights to visit his child. However, it is the case of the petitioner that when he went to visit his son on 07.04.2024, his wife and child were found missing and his mother-in-law informed that the said Vaishali and



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her child went along with one Kalif and they had not returned home.

Hence, the petitioner lodged a complaint before the 2nd respondent police.

Since, no action has been taken on the complaint, the petitioner is constrained to file the present habeas corpus petition before this Court.

(4) When the matter is taken up today, learned Additional Public Prosecutor would submit that the detenu boy aged about 3 years is in the custody of his mother and earlier, the petitioner was granted visitation rights to see his son and that the wife of the petitioner has no objection for the petitioner in visiting her son. He would further submit that the petitioner has filed the present petition unnecessarily and that there is no illegal detention of the minor detenu / boy as alleged by the petitioner herein.

(5) Recording the submission of the learned Additional Public Prosecutor, this petition stands **closed**. However, liberty is granted to the petitioner to approach the appropriate Forum for appropriate relief.

[ADJCJ] [RKM J]
08.05.2024

AP
Internet : Yes



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To

- 1.The Superintendent of Police
Thiruvallur District, Thiruvallur.
- 2.The Inspector of Police
D5 Manvala Nagar Police Station
Thiruvallur District.
- 3.The Public Prosecutor
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.,
AND
R.KALAIMATHI, J.,
AP

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