



WEB COPY



HCP.No.1585 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.1585 of 2024

S.Kumaraguru

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Velacheri Main Road,
Selaiyur, Chennai – 600 073.

2.The Inspector of Police,
Selaiyur Police Station,
Tambaram,
Chennai.

3.Aarthi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 2nd respondent to search and produce the petitioner's grandson namely C.SARVINPRASATH aged 3 years before this Hon'ble Court.



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For Petitioner : Mr.Govindarajan,
for Mr.L.Ramu
For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

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

The third respondent herein is the daughter-in-law of the petitioner herein. The petitioner's son had expired on 12.05.2021 owing to the infection of Covid-19 virus. It is the case of the petitioner that the third respondent herein had subsequently remarried and is now having custody of her male child aged about 3 years, who was born through the petitioner's son. Alleging that the third respondent is not permitting the petitioner to visit his grand child, he has filed the present Habeas Corpus Petition.

2.Admittedly, the averments made in the affidavit do not indicate that the petitioner's grandson is in the illegal custody of his daughter-in-law. Even otherwise, the learned counsel for the petitioner would submit that though he had sought for issuance of a writ of Habeas Corpus for producing



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the petitioner's grandson before this Court, the learned counsel fairly submitted that he would be satisfied if the petitioner and his wife are permitted to visit the grandchild, who is under the care and protection of the third respondent.

3.The request seems to be reasonable and hence, we are inclined to pass the following orders;

- (a) The custody of the petitioner's grandson namely C.Sarvinprasath aged about 3 years shall be under the care and protection of the third respondent;
- (b) The petitioner and his wife, being the grandparents of the minor child, are at liberty to visit their grandson in the premises of the third respondent on the first Sunday of every Month between 10.00 a.m. to 1.00 p.m., It is further made clear that during such visit the third respondent or her husband shall not cause any inconvenience or other obstructions, thereby preventing the petitioner and his wife from visiting the child.



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4. Accordingly, the present Habeas Corpus Petition is closed. No costs.

[M.S.R., J] [S.M., J]

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Index: Yes/No

Internet: Yes/No

Tsg

To

1. The Assistant Commissioner of Police,
Velacheri Main Road,
Selaiyur, Chennai – 600 073.

2. The Inspector of Police,
Selaiyur Police Station,
Tambaram,
Chennai.

3. The Public Prosecutor,
Madras High Court.



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

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