



WEB COPY



HCP.No.1715 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM :

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

H.C.P.No.1715 of 2024

Lakshmanan @ Prabhu

... Petitioner

Vs.

1.The State represented by
The Commissioner of Police,
Tambaram,
Chennai.

2.The State represented by
The Inspector of Police,
Somangalam Police Station,
Kancheepuram District.

3.Sekar

4.Vasuki

5.Sathish

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the body



HCP.No.1715 of 2024

or person of the petitioner minor son namely L.Kokilapriyan aged 3 years 5 months, before this Court and hand over him into the petitioner.

For Petitioner : Mr.K.Ponraj

For R1 and R2 : Mr.E.Raj Thilak,
Additional Public Prosecutor

For R3 to R5 : Mr.S.Doraisamy for Mr.V.Elangovan

ORDER

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

The Writ of Habeas Corpus has been instituted to direct the respondents 1 and 2 to produce the body or person of the petitioner's minor son namely L.Kokilapriyan, aged 3 years 5 months.

2.Pursuant to the direction, the minor boy along with his maternal grandparents are present before this Court. The Writ Petitioner is also present before this Court.

3.The boy is aged about 3 years and 5 months and he is incapable of identifying his father, since, soon after the death of his mother, the minor boy was



HCP.No.1715 of 2024

brought to the house of his maternal grandparents and now they are looking after the boy.

4.Pertinently, the child was handed over by the petitioner and his mother to the maternal grandparents, soon after the death of the wife of the petitioner. That being so, the petitioner and his mother voluntarily allowed the child to grow in the house of the maternal grandparents. That being so, now the petitioner cannot turn around and file a Habeas Corpus Petition. More so, the minor boy is not under illegal detention warranting any further consideration from the hands of the Writ Court under Article 226 of the Constitution of India.

5.The right of the child is of paramount importance. Always, it must be ensured that the child grow up in a better atmosphere. Best interest of the child is to be the paramount consideration for the Court. When this Court examined the child, he is unable to identify the father, on account of the fact that the boy has been brought up by the maternal grandparents. A criminal case registered about the death of the wife of the petitioner is pending.



HCP.No.1715 of 2024

WEB COPY

6. Thus, the writ petition is devoid of merit and stands dismissed.

[S.M.S., J.]

[V.S.G., J.]

06.08.2024

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

gd

To

1.The Commissioner of Police,
Tambaram,
Chennai.

2.The Inspector of Police,
Somangalam Police Station,
Kancheepuram District.



WEB COPY



HCP.No.1715 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

gd

H.C.P.No.1715 of 2024

06.08.2024