



WEB COPY

H.C.P.No.2293 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

H.C.P.No.2293 of 2024

Deborah Daniel

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai – 600 007.
- 2.The State of Tamil Nadu,
Represented by its The Inspector of Police,
Nolambur Police Station,
Chennai – 600 037.
- 3.Indian High Commission,
3-5 Moonah P1, Yarralumla Act 2600,
Canberra, Australia.
- 4.Australian Consulate – General,
9th Floor, Express Chambers, Express Avenue,
49, 50L Whites Road, Royapettah,
Chennai 600 014.
- 5.Embassy of India,



H.C.P.No.2293 of 2024

2107 Massachusetts Avenue,
NW Washington, DC 20008,
USA.

6.Daniel Chandersingh

7.MKM Chandersingh

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus, directing the Inspector of Police, Nolambur Police Station, Chennai, the respondent No.2 herein, to produce the detenus, Ethan aged 11 years from the illegal custody of the respondent Nos.6 and 7 confined at No.20, Ebenezer Avenue, Kalamegam Road, Mogappair West, Chennai – 600 037, before this Court and hand over to the petitioner.

For Petitioner : Mr.Y.Prakash

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

For R6 & R7 : Mr.Thomas T.Jacob

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The habeas corpus petition has been instituted to direct the Inspector of Police, Nolambur Police Station, Chennai, to produce the detenu Ethan aged



H.C.P.No.2293 of 2024

11 years from the illegal custody of the respondents 6 and 7 confined at No.20, Ebenezer Avenue, Kalamegam Road, Mogappair West, Chennai – 600 037, before this Court and hand over to the petitioner.

2. The petitioner is now residing in Australia. She appeared through video conferencing and made a submission that the minor boy should be handed over to her.

3. The minor boy name Ethan is presently residing with his father and his grandparents are also supporting the 6th respondent and the minor boy.

4. We have examined the minor boy, who in turn states that he is willing to stay with his father. Under these circumstances, we found that the minor boy is not under illegal detention and with the custody of the biological father and thus, the petitioner is at liberty to move the appropriate Court of Law for the purpose of seeking custody, visitation rights, etc., in the manner known to law.



H.C.P.No.2293 of 2024

5. With this liberty, the Habeas Corpus Petition stands disposed of.

WEB COPY

[S.M.S., J.] [A.D.M.C.,
J.]

27.09.2024

Jeni

Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

To

1.The Commissioner of Police,
The State of Tamil Nadu,
Greater Chennai Police,
Vepery, Chennai – 600 007.

2.The Inspector of Police,
The State of Tamil Nadu,
Nolambur Police Station,
Chennai – 600 037.

3.Indian High Commission,
3-5 Moonah P1, Yarralumla Act 2600,
Canberra, Australia.

4.Australian Consulate – General,
9th Floor, Express Chambers, Express Avenue,
49, 50L Whites Road, Royapettah,
Chennai 600 014.

5.Embassy of India,
2107 Massachusetts Avenue,
NW Washington, DC 20008,
USA.



WEB COPY



H.C.P.No.2293 of 2024

S.M.SUBRAMANIAM, J.
and
A.D.MARIA CLETE, J.

Jeni

H.C.P.No.2293 of 2024

27.09.2024