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H.C.P.No.2263 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

H.C.P.No.2263 of 2024

A.K.Venkatesan

... Petitioner

Vs.

1.The Superintendent of Police,
The Superintendent Office,
Kallakurichi District.

2.The Inspector of Police,
All Women Police Station,
Ulundurpet Police Station,
Kallakurichi District.

3.Pushpavalli

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus, to direct the 1st and 2nd respondent to produce petitioner's minor son namely Sha Jeevan Sri, aged about 7 years before this Court and handover his custody to the petitioner and thus render justice.



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For Petitioner : Mr.V.Gunasekar
For R1 & R2 : Mr.E.Raj Thilak
Additional Public Prosecutor
For R3 : Mr.Krishnasamy Chinnasamy

ORDER

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

The present habeas corpus petition has been instituted to direct the respondents 1 and 2 to produce petitioner's minor son namely Sha Jeevan Sri, aged about 7 years before this Court and handover his custody to the petitioner.

2. The 2nd respondent produced minor detenu along with the 3rd respondent.

3. Learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2 would submit that the minor boy is with the 3rd respondent for the past more than 6 years. The petitioner claims to be the biological father of the minor detenu. The mother of the minor boy was said to be murdered and the criminal case is pending.



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4. Since the minor detenu has been taken care of by the 3rd respondent, who is none other than the grandmother, we are not inclined to interfere with the custody, since there is no illegal detention established warranting any directions from the hands of this Court. However, the petitioner is at liberty to move an appropriate application before the Competent Court concerned to redress his grievance, if any exists. In such circumstances, an appropriate report should be secured from the Statutory Committee constituted for the purpose. Report from the Child welfare committee to be obtained.

5. With these liberty, the Habeas Corpus Petition stands dismissed. No costs.

[S.M.S., J.] [A.D.M.C., J.]
25.09.2024

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order



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To

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- 1.The Superintendent of Police,
The Superintendent Office,
Kallakurichi District.
- 2.The Inspector of Police,
All Women Police Station,
Ulundurpet Police Station,
Kallakurichi District.
- 3.The Additional Public Prosecutor,
Madras High Court.



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

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