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H.C.P.No.3170 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.3170 of 2024

Mrs.Rani

W/o (late) Edward Chelladurai

..

Petitioner

v.

1. The Assistant Commissioner of Police
E18, HVF Tank Road
Bhaktavatsalapuram, Vasantham Nagar
Avadi, Chennai

2. The Inspector of Police
All Women Police Station
Ambattur, Chennai

3. Regina Samson
W/o J.C.Samson Jacob

4. Chandrakumar
S/o Subramanian

..

Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, by directing 2nd respondent to search and produce the petitioner's granddaughter, namely, Hannah Harieen,



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D/o J.C.Samson Jacob, now aged about 17 years, and grandson, namely, Gabriel Edward Jacob, S/o J.C.Samson Jacob, now aged about 10 years, from unsafe custody of the 3rd and 4th respondent and handover their custody to the petitioner.

For Petitioner :: Mr.P.Govindarajan

For Respondents :: Mr.R.Muniyapparaj
Additional Public Prosecutor
for R1 & R2
R3-Party in Person
R4-Not ready in notice

ORDER

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

The writ of habeas corpus has been instituted to direct the second respondent to produce the petitioner's granddaughter, namely, Hannah Harieen, D/o J.C.Samson Jacob, aged about 17 years and grandson, namely, Gabriel Edward Jacob, S/o J.C.Samson Jacob, now aged about 10 years.

2. Both the minor detenus are produced by the Inspector of Police, All Women Police Station, Ambattur. We have examined the children. The father of the children died on account of cardiac arrest. Both the children



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are now living along with their mother and they have no contacts with the petitioner-grandmother for about two years. The minor children are not interested to develop any relationship with their grandmother, since they expressed certain bitter experience occurred at the time of the death of their father. When the minor children, aged about 17 years and 10 years, are capable of understanding the proceedings and expressed their wishes in clear terms and they are not interested to converse with the petitioner grandmother, but interested to live with their biological mother, we find that there is no illegal detention. Therefore, the petitioner is not entitled to secure the relief as such sought for in the present habeas corpus petition. Accordingly, the habeas corpus petition stands dismissed.

Index : yes

(S.M.S.,J.)

(M.J.R.,J.)

Neutral citation : yes/no

19.12.2024

SS

To

1. The Assistant Commissioner of Police
E18, HVF Tank Road
Bhaktavatsalapuram, Vasantham Nagar
Avadi, Chennai



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2. The Inspector of Police
All Women Police Station
Ambattur, Chennai

3. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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