

In the High Court of Judicature at Madras

Dated:31.08.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

and

The Hon'ble Mr. Justice S. MANIKUMAR

Habeas Corpus Petition No.837 of 2006

B. Peeraya ... Petitioner

vs.

1. Inspector of Police
R.6 Kumaran Nagar Police Station
Chennai.

2. The Superintendent
Government Home for Women
No.27, Rosary Church Road
Mylapore, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. R. Ravichandran

ORDER

(Order of the Court was made by P. SATHASIVAM, J.)

The present petition is misconceived for the following reasons. The petitioner by name B. Peeraya, has filed this petition seeking to issue a writ of habeas corpus directing the respondents to produce his daughter Sheik Jerina, aged about 20 years, now confined at Government Home for Women, Mylapore, Chennai before this Court and set her at liberty.

2. Even in the affidavit filed in support of the above petition, in paragraph, the petitioner has specifically stated, "My daughter is a major, she has been in the custody of the 2nd respondent nearly 40 days as per the order of XXIII Metropolitan Magistrate, Saidapet, Chennai." In addition to the same, one Redduku, S/o. Akbar (as typed in the petition) filed CrI.O.P.No.1862 of 2006 before the XXIII Metropolitan Magistrate,

Saidapet, Chennai, praying for custody of the victim girl by name Sheik Jerina. On hearing the petitioner as well as the learned Additional Public Prosecutor, the learned Magistrate, after finding that there is no acceptable proof to show that the petitioner therein is the mother of the victim girl, refused to grant custody of the victim girl and ultimately dismissed the said petition. In such circumstances, it is for the petitioner/parents to establish their identity and entitlement by placing acceptable evidence before the said Court. If any such petition is filed, it is for the learned Magistrate to consider the same and pass appropriate orders in accordance with law.

With the above observation, this petition is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

Kh
To

1. Inspector of Police
R.6 Kumaran Nagar Police Station
Chennai.
2. The Superintendent
Government Home for Women
No.27, Rosary Church Road
Mylapore, Chennai.
3. The XXIII Metropolitan Magistrate,
Saidapet, Chennai-15
4. Do Thro The Chief Metropolitan Magistrate,
Egmore, Chennai-8.
5. The Public Prosecutor,
Madras.

1 cc to Mr.R. Ravichandran, Advocate, Sr. 39369

H.C.P.No.837 of 2006

NA (CO)
kk 1/9