

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 26.10.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN  
and  
THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.No.2311 of 2016

K.R. Hari Narayanan

...Petitioner

Vs.

1.The Superintendent of Police  
Vellore District.

2.The State represented by  
the Inspector of Police  
Walajapet Police Station  
Vellore District.

3.G.J.Radha Maheswari

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the third respondent to produce the petitioner's son Master K.H.Sree Senan, aged about 7 years, before this Court and to set him at liberty.

For Petitioner : M/s.T. Ravi

For Respondents : Mr.V.M.R.Rajentren,  
1 & 2 Additional Public Prosecutor

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ORDER

[Order of the Court was made by M.JAICHANDREN, J.]

The petitioner, who is the father of the detenu, has stated that he had married the third respondent, on 30.8.2007. Due to certain misunderstanding that had occurred between the

petitioner and the third respondent, the third respondent had left the matrimonial home. The third respondent had taken the child of the petitioner, namely, K.H. Sree Senan, aged about 7 years, on 24.8.2016, from the custody of the petitioner. Hence, the petitioner has preferred the present Habeas Corpus Petition, before this Court.

2. The main contention of the learned counsel appearing on behalf of the petitioner is that the detenu, namely, K.H. Sree Senan, is suffering from certain mental illness. The third respondent is not in a position to take care of him by giving proper treatment to his mental illness. In such circumstances, the third respondent shall be directed to hand over the custody of the child to the petitioner.

3. We have heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the first and the second respondents and also perused the materials available on record.

4. We do not find any reason to come to a conclusion that the detenu, namely, K.H. Sree Senan, is in the illegal custody of the third respondent, who is his mother. Hence, we are inclined to dismiss the Habeas Corpus Petition and accordingly, the same is dismissed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

rnb

To

1.The Superintendent of Police  
Vellore District.

2.The Inspector of Police  
Walajapet Police Station  
Vellore District.

3.The Public Prosecutor, High Court, Madras.

+1 cc to Mr.T.Ravi Advocate sr 61958

H.C.P.No.2311 of 2016

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