
(2011) 06 KL CK 0026

In the High Court Of Kerala

Case No : Writ Petition (Criminal) . No. 236 of 2011 (S)

Rarimol

APPELLANT

Vs

The State of Kerala and Others

RESPONDENT

Date of Decision : 30-06-2011

Acts Referred:

Citation : (2011) 06 KL CK 0026

Hon'ble Judges : M.L. Joseph Francis, J;K.M. Joseph, J

Bench : Division Bench

Advocate : G. Sreekumar, for the Appellant; R. Premchand, for the Respondent

Final Decision : Dismissed

Judgement

K.M. Joseph, J.—The Petitioner has approached this Court seeking a writ of habeas corpus for the production of her child born in her marriage with the 3rd Respondent. Respondents 4 and 5 are the parents of the 3rd Respondent. Allegation of detention is made against Respondents 3 to 5.

2. A detailed counter affidavit is filed by Respondents 3 to 5. We heard learned Counsel for the parties. We would think that it would be appropriate if we relegate the Petitioner to approach the concerned Family Court or other competent Forum and seek appropriate orders Without prejudice to the right of the Petitioner or the third Respondent to approach the concerned Family Court or other competent Forum to seek appropriate orders, we close the Writ Petition.

3. We direct that the Petitioner will hand back custody of the minor child to the 3rd Respondent at the office of the learned Counsel for the third Respondent at 6.00 p.m. today.(30.6.2011).

4. For further consideration, call this case on 23.6.2011 at 1/30 PM in the Chambers. Petitioner will hand over custody of the minor child, Mayuka to the third Respondent, who can keep custody of the child till the next date of posting. He shall produce the minor child on the said day.