

In the High Court of Judicature at Madras

Dated: 26.2.2015

Coram:

The Hon'ble Mr.Justice **M.Jaichandren**
and

The Hon'ble Ms.Justice **K.B.K.Vasuki**

H.C.P. No.565 of 2015

H.Sharmila .. Petitioner

vs.

1.The Superintendent of Police,
Nilgiris District. The Nilgiris.

2.The Inspector of Police,
All Women Wing Police Station,
Ootacamund, The Nilgiris.

3.N.Zakir Hussain ..
Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India
praying for the relief as stated therein.

For petitioner : Mr.S.Rajmakesh
For respondents : Mr.A.N.Thambidurai, APP
1 & 2

ORDER

This Habeas Corpus Petition has been filed praying that this
Court may be pleased to issue a direction to respondents 1 and 2 to
produce the body of the detenues, namely, the minor children of the
petitioner, Bashil Hussain, aged about 11 years, and Shameera

Shanam, aged about 2-1/2 years, before this Court and set them at liberty.

2. The petitioner has alleged that the marriage between herself and the 3rd respondent had taken place on 29.9.2003 at Mohamediya Hadhi Mahal, Ooty, and that two children were born to them. Thereafter, disputes had arisen between the petitioner and the 3rd respondent. The 3rd respondent made false accusations against the petitioner and he drew her out of the matrimonial home. The 3rd respondent had also prevented the petitioner from seeing the children. In such circumstances, the petitioner had lodged a complaint before the 1st respondent on 10.7.2014. The said complaint had been forwarded to the 2nd respondent for conducting an enquiry. However, no effective steps had been taken by respondents 1 and 2, till date. It is also stated that the 3rd respondent has filed a Suit, in O.S.No.67 of 2014, before the District Munsif Court, Udagamandalam, relating to the matrimonial dispute. In these circumstances, the petitioner has preferred the present Habeas Corpus Petition before this Court.

3. On hearing the learned counsel appearing on behalf of the petitioner, we do not find any cause or reason to grant the relief as prayed for by the petitioner in the present Habeas Corpus Petition. There is nothing on record to show that the children of the petitioner

are kept in the illegal custody of the 3rd respondent, who is said to be their father. Even otherwise, it is open to the petitioner to seek appropriate remedies before the civil forum seeking custody of the children and for other reliefs, if any, in accordance with law. In such circumstances, we find it appropriate to dismiss the Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition stands dismissed, with the above observations.

gs.

[M.J., J.] [K.B.K.V., J.]
26th February, 2015

Index:Yes/No.
Internet:Yes/No.

To

- 1.The Superintendent of Police,
Nilgiris District. The Nilgiris.
- 2.The Inspector of Police,
All Women Wing Police Station,
Ootacamund, The Nilgiris.
- 3.The Public Prosecutor, High Court, Madras.

M.Jaichandren, J.
and
K.B.K.Vasuki, J.
gs.

HCP No.565 of 2014

26.2.2015