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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.09.2015
CORAM:
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No. 1291 of 2015

P.Sathyapama .. Petitioner

Vs.

1. State of Tamilnadu by its
   The Superintendent of Police,
   Thoothukudi,
   Thoothukudi District.

2. The Inspector of Police,
   All Women Police Station,
   Pudukottai, Thoothukudi District.

3. C.Paneer .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the Inspector of Police, All Women Police Station, Pudukottai, Thoothukudi District, the second respondent to produce the petson or body of the detenu, Chinnadurai, male, aged 5 years, S/o.Paneer before this Court and hand over custody to the petitioner.

For Petitioner : Mr.G.Aravinthan
For RR 1&2 : Mr.K.S.Duraipandian
Additional Public Prosecutor.
For R3 : No appearance

ORDER
[Order of the Court was made by V.S.RAVI,J]

The petitioner is the wife of the third respondent. They have got a child, by name Chinnadurai, aged 5 years. According to the petitioner, the said child was all along in her custody and now the third respondent has taken the child. Therefore, the petitioner came up with this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the records carefully.

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3. This petition has come up today for admission. It is submitted to this Court by the learned counsel for the petitioner that after taking the child, the third respondent has approached the Civil Court for appointment of guardianship in his favour. From this, it is crystal clear that the dispute is civil in nature, which could be resolved between the parties only through the Civil Court.

4. In such view of the matter, there is no scope to issue any direction as prayed for in this petition, since there is no allegation of any illegal detention. Accordingly, this Habeas Corpus Petition is dismissed.

sd/-
Assistant Registrar (Per.Admn)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
   All Women Police Station,
   Pudukottai,
   Thoothukudi District.

3. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.

PJL/RR
TE/JGB-DP/SAR(J) 09/09/2015 2P/4C

ORDER MADE IN
H.C.P(MD)No.1291 of 2015
01.09.2015

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