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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.08.2015
CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.547 of 2015

Lakshmi

.. Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Pabanasam, Thanjavur District.

3.The Inspector of Police,
Valangaiman Police Station,
Thanjavur District.

.. Respondents

Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the 1st and 2nd respondents to produce the body or person of the petitioner's husband namely, Amulldhas, S/o.Santhanam aged 35 years and his two minor children namely, Ruso, S/o.Amulldas aged about 6 years, Lenin, S/o.Amulldhas aged about 3 years by considering the petitioner's complaint dated 19.03.2015 and set them at liberty.

For Petitioner : Mr.P.Parthiban

For Respondents : Mr.K.S.Duraipandian for R1 to R3
Addl.Public Prosecutor

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the mother of Minor Children, Ruso, S/o.Amulldhas aged 6 years and Lenin, S/o.Amulldhas aged three years. According to the petitioner, the children are now in the custody of her husband Mr.Amulldhas, who has entrusted the children to his parents Seeking custody of the children, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. A perusal of the record would go to show that the children are in the custody of the husband. Though it is stated that the husband has gone abroad, his children have been safely maintained by his parents. The custody of the children can be asked for by the petitioner only through civil Court, since the dispute appears to be purely civil in nature. In such view of the matter, the Habeas Corpus Petition is highly misconceived and accordingly, the same is dismissed, leaving it



open for the petitioner to work out her remedy before the civil Court.

Sd/-
Assistant Registrar

/True Copy/

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Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Thanjavur District, Thanjavur.
- 2.The Deputy Superintendent of Police,
Pabanasam, Thanjavur District.
- 3.The Inspector of Police,
Valangaiman Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.P.PARTHIBAN, ADVOCATE, SR NO:44681/2P-5C

V.S.RAVI, J.
JAM/JGB&AAL/UB/25.8.15/2P-6C

ORDER MADE IN
H.C.P(MD)No.547 of 2015

07.08.2015