



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

HABEAS CORPUS PETITION(MD)No.698 of 2015

Majed Arafat,
Rep. Through attorney Abdul Majeed Akbar .. Petitioner
Vs.

1.State of Tamil Nadu,
By its Director General of Police,
Mylapore, Chennai,
Tamil Nadu - 600 004.

2.The Inspector of Police,
Ayyampettai Police Station,
Ayyampettai - 614 201
Thanjavur District.

3.The Deputy Superintendent of Police,
(Rural),
Papanasam - 614 205.

4.Sajitha Majed Arafat .. Respondents

Prayer:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the Inspector of Police, Ayyampettai Police Station, Thanjavur District, the second respondent herein to produce the person or body of the detainee, Hasna, aged 1 year and 5 months, daughter of Sh.Majed Arafat and Smt.Sajitha Majed Arafat before this Court.

For Petitioner	: Mr.G.Aravinthan
For Respondents	: Mr.C.Ramachandran
	Additional Public Prosecutor

ORDER

(Order of the Court was made by T.RAJA, J)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to direct the Inspector of Police, Ayyampettai Police Station, Thanjavur District, the second respondent herein to produce the person or body of the detainee, Hasna, aged 1 year and 5 months, daughter of Sh.Majed Arafat and Smt.Sajitha Majed Arafat.



2. Mr. C. Ramachandran, learned Additional Public Prosecutor has taken notice for the respondents 1 to 3.

3. The learned counsel appearing for the petitioner would submit that the petitioner got married with Sajitha Majed Arafat/the fourth respondent herein on 03.02.2013 at Ayyampettai Jamea Masjid. Thereafter, they went to United States of America and the fourth respondent has given birth to a baby child. In the meanwhile, the parents of the fourth respondent has given a request to the petitioner to visit the United States of America and to take care of their daughter and grand child. Accepting the request, the petitioner arranged for their Visa. Subsequently, on 22.11.2013, the parents of the fourth respondent took back the child along with the fourth respondent. Under this background, the petitioner has come to this Court with the above relief.

4. When the petitioner has allowed the fourth respondent to take the child along with the parents of the fourth respondent, it is for him to work out his remedy in the manner known to law and not by way of filing this Habeas Corpus Petition, as the child is only one year and five months old.

5. In view of the above, this Habeas Corpus Petition fails and the same is accordingly dismissed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
Mylapore, Chennai, Tamil Nadu - 600 004.

2. The Inspector of Police,
Ayyampettai Police Station,
Ayyampettai - 614 201
Thanjavur District.

3. The Deputy Superintendent of Police,
(Rural), Papanasam - 614 205.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+3cc to Mr. S. Subbiah, Advocate Sr.No. 25869
ps/rr
AA/22.05.2015/2p -8c/