

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.2513 of 2015

S.Preethi ...Petitioner/Mother of
detenu

vs.

1.The Inspector of Police,
Coonoor Town Police Station,
Coonoor, The Nilgiris.

2.Arjun Vinoba ...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus, to direct the respondents to produce the body of the minor son Tanish born on 25.03.2009 before this Court.

For Petitioner : Mrs.V.Bhavani Subbaroyan
M/s.Royan Law Associates

For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor for R1

Mr.Arjun Vinoba
(party-in-person) R2

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O R D E R

[Order of the Court was made by S.Nagamuthu, J.]

The petitioner is the wife of the second respondent. They got a child by name, Tanish, who was born on 25.03.2009. The allegation that now the petitioner makes is that the child is illegally detained by the second respondent and he is not allowing the petitioner to meet the child.

2. From the averments made before this Court, it is crystal clear that there is matrimonial dispute between the petitioner and the second respondent and the child is now in the custody of the second respondent. It cannot be stated to be illegal in terms of the Habeas Corpus jurisdiction. If the petitioner has got any right to have the custody of the child, she can very well work out her remedy before the Civil Court.

3. The learned counsel for the petitioner would submit that the petitioner may be permitted to speak to the child on regular intervals. The second respondent is not willing for the same, because, according to him, the petitioner has made complaints against him before his Chief, Indian Air Force, making lot of false allegations. Further, this HCP was also referred before the Mediation and Conciliation Centre, however, no settlement could be arrived at.

4. When this Habeas Corpus Petition came up before this Court on 27.06.2016, the second respondent did not appear and therefore, this Court adjourned the matter with a condition that the second respondent shall pay a sum of Rs.5,000/- as cost to the petitioner for adjourning the matter. Today, in open Court, the second respondent paid Rs.5,000/- to the petitioner in compliance of the said order. The same is recorded.

5. Having regard to all the above, we are of the view that the dispute raised in this Habeas Corpus Petition cannot be resolved by this Court under this jurisdiction. It is for the parties to work out their remedy before the Civil Court. The Habeas Corpus Petition, therefore, stands dismissed.

-s/d-
Assistant Registrar

True Copy

सतमागेन न्याते
Sub-Assistant Registrar

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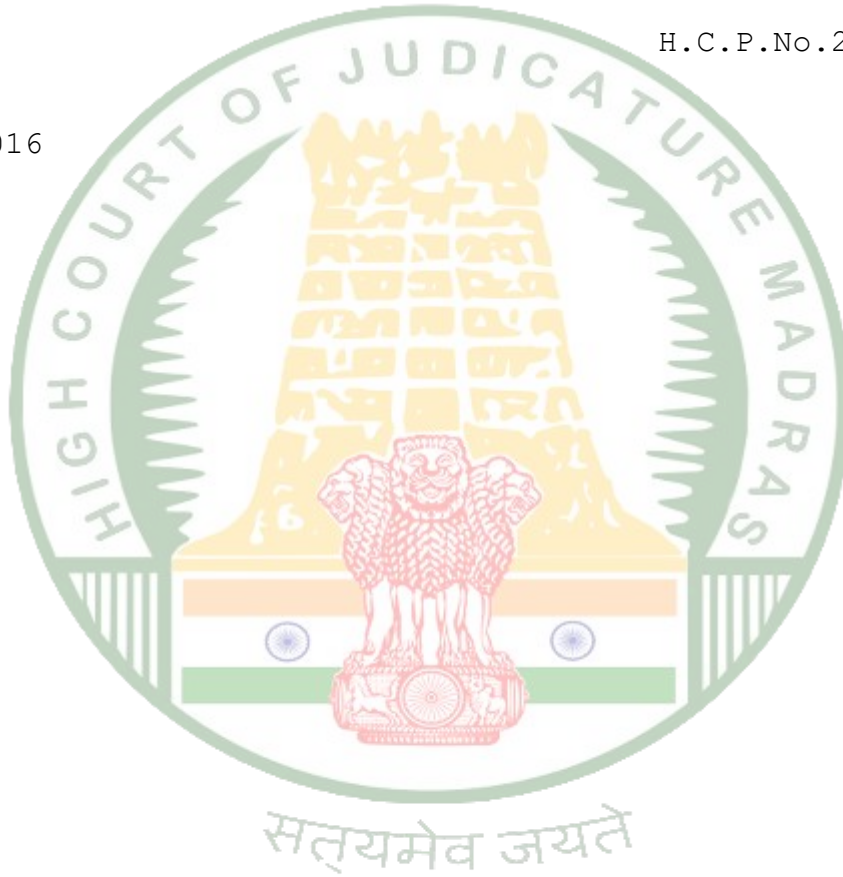
1.The Inspector of Police,
Coonoor Town Police Station,
Coonoor, The Nilgiris.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.Royan Law Associates sr.37353

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