

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.6.2016

CORAM

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

H.C.P.No.1212 of 2016

E.Ramani Petitioner/mother of the detenu

Vs

1. The State rep. by
The Inspector of Police,
W-14, All Woman Police Station,
Thiruvatrur
Chennai.

2. Elayarasan .. Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India, praying to issue a WRIT OF HABEAS CORPUS
direct the Respondents herein
to produce the son of the Petitioner ETHISAN 2 3/4 YEARS now
her is restraining from the 2nd Respondent before this Hon`ble
Court and set at liberty.

For Petitioner : Mr.R.Muthukumar
For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of 2 years and 9 months old
child by name, Ethisan. According to the petitioner, the second
respondent, who is her husband has taken the child in his
custody and he is keeping the child. Alleging that the said
custody is illegal, the petitioner has come up with the petition.

2. We have heard the learned counsel for the petitioner and
the learned Additional Public Prosecutor appearing for the first
respondent. We have not issued notice to the second respondent.

3. From the averments made in the affidavit, it is crystal clear that there is some matrimonial dispute between the petitioner and the second respondent and there is also a dispute in respect of the custody of the child. The child is after all in the custody of his father which cannot be termed as illegal.

4. Therefore, the remedy for the petitioner is to work out before a competent Civil Court. For granting relief as prayed for, the Habeas Corpus Petition cannot be invoked.

5. In the result, the Habeas Corpus Petition is dismissed. It is open for the petitioner to go before the Civil Court.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
W-14, All Woman Police Station,
Thiruvatrur
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Muthukumar Advocate sr.33262

H.C.P.No.1212 of 2016

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