

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.7.2016

CORAM

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

H.C.P.No.1344 of 2016

M.Mufiaya @ Menaga

..... Petitioner

Vs

1. The Commissioner of Police,
Namakkal District.

2. The Inspector of Police,
All Women Police Station, (AWPS),
Namakkal

3.Mubharak

..... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the 3rd respondent to produce the detainee Minor, Mumema Parveen, female, aged about 3 1/2 years.

For Petitioner: Mr. K.T.S.Sivakumar

For R1 & R2 : Mr.V.M.R. Rajentren
Additional Public Prosecutor

ORDER

(Order of the Court was made by V.BHARATHIDASAN, J.)

The petitioner is the mother of Minor. Mumema Parveen, aged about 3 1/2 years. Alleging that the 3rd respondent, her husband has illegally detained her daughter, she made a complaint to the 2nd respondent. Since no action has been taken to rescue the detainee, 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 appearing for the State. We have also perused the records carefully.

3. It appears that there is some matrimonial dispute between the petitioner and the third respondent and they are living separately and the minor child is in the custody of the 3rd respondent. The child in the custody of her father which cannot be stated to be illegal.

4. Thus, we do not find any merits in this Habeas Corpus Petition and this Petition is dismissed. However, it is open to the petitioner to approach the competent civil court to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Namakkal District.

2. The Inspector of Police,
All Women Police Station, (AWPS),
Namakkal

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.T.s. Sivakumar, Advocate, S.R.No.39708

AK(CO)

EU(10/08/2016)

H.C.P.No.1344 of 2016

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