

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.7.2016

CORAM

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

H.C.P.No.1417 of 2016

B.Saravanan

..... Petitioner

Vs

1. The Superintendent of Police,
Thiruvallur.

2. The Inspector of Police,
All Women Police Station,
Avadi, Chennai.

3. Mrs. Suganthi Saravanan

..... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents to interrogate the 3rd respondent and to produce Baby Mahathi Saravanan and set her at liberty.

For Petitioner	:	Mr. R.Karunakaran
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 former husband of the third respondent. They got a child by name Mahathi Saravanan, who is hardly aged about 1 1/2 years. The child is now with the 3rd respondent. The marriage between the petitioner and the 3rd respondent was dissolved by means of a decree of divorce granted by the civil court. Alleging that the custody of the child in the hands of the 3rd respondent is illegal, the petitioner has come up with the Habeas Corpus Petition.

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

3. From the averments made in the affidavit, it is crystal clear that on account of the matrimonial dispute, divorce decree was granted by the civil court dissolving the marriage between the petitioner and the third respondent. The child is after all in the custody of the mother which cannot be stated to be illegal. If the petitioner finds any specific right to keep the custody of the child, it is for him to work out his remedy before the competent civil court.

4. In such a view of the matter, no relief as prayed for could be granted. Therefore, the Habeas Corpus Petition is dismissed.

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(S.N.J.,) **(V.B.D.J.,)**
14.7.2016

To

1. The Superintendent of Police,
Thiruvallur.

2. The Inspector of Police,
All Women Police Station,
Avadi, Chennai.

3. The Public Prosecutor,
High Court, Madras.

**S.NAGAMUTHU J.,
AND
V.BHARATHIDASAN, J.**

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