

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2016

CORAM

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

H.C.P.No.1505 of 2016

M.Mahendra Kumar

.... Petitioner

Vs

1. M.Meena

2. The Sub Inspector of Police,
T1, Ambattur Police Station,
Chennai-600 053.

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..... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the second respondent to produce the petitioner's daughter M.Madumitha, aged 8 years before this Court and set her at liberty.

For Petitioner	:	Mr.S.Rajeni Ramadass
For R2	:	Mr.V.M.R.Rajentren Additional Public Prosecutor

ORDER

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

The petitioner is the father of one Madumitha, aged 8 years. The first respondent is the wife of the petitioner. The child Madumitha is the second

child of the 1st respondent. According to the petitioner, the 1st respondent is not a lady of good characters and she is likely to abuse the child. Therefore, he 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 second respondent.

3. This petition has come up today for admission. In paragraph 6 of the affidavit, the petitioner has stated that on earlier occasion, the sister of the petitioner and her husband filed HCP. No.2001 of 2015 seeking custody of the very same child. That was dismissed by order dated 21.09.2016. Now, this petition is the second attempt made by the petitioner to abuse the process of the Court. Knowing fully well that there is matrimonial dispute between him and the first respondent, the petitioner has wasted the time of this Court, instead of going over to the civil court to resolve the said dispute both matrimonial and custody of the child.

4. In our considered view, the disputed questions of the facts which are raised in this petition cannot be resolved in this Habeas Corpus Petition as already obtained Habeas Corpus Petition. In our considered view, this Habeas Corpus petition is a clear abuse of process of the court. Therefore,

we intend to dismiss the petition.

Hence, the Habeas Corpus Petition is dismissed.

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(S.N.J.,) (V.B.D.J.,)
22.07.2016

To

1. The Sub Inspector of Police,
T1, Ambattur Police Station,
Chennai-600 053.

2.The Public Prosecutor,
High Court, Madras.

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