

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2016

CORAM

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

H.C.P.No.1563 of 2016

K.Sasireka ..... Petitioner

Vs

1. State of Tamil Nadu rep. by its,  
Commissioner of Police,  
Greater Chennai, Vepery, Chennai,

2. The Inspector of Police,  
W-35, All Women Police Station,  
Tambaram, Chennai-600 045.

3. R.Sivakumar ..... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents 1 and 2 to produce the detenu, the petitioner's minor son, S.Mithun Sidharth, aged 5 years, now under the illegal custody of the 3rd respondent before this Court and hand over the custody of the minor boy to the petitioner.

For Petitioner : Mr.K.Premkumar

For R1 and 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 one S.Mithun Sidharth, aged about 5 years. According to the petitioner, the 3rd respondent is her husband and there is dispute between the petitioner and the third respondent. Due to the same the third respondent took the child with him and he is living separately. Hence, the

petitioner made a complaint to the second respondent. Since no action has been taken to trace out the detenu, 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.

3. This case relates to a matrimonial dispute between the petitioner and the third respondent. Admittedly, the boy is with the 3rd respondent, who is his father. Hence, it cannot be considered as an illegal detention.

4. In view of the same, the Habeas Corpus Petition is dismissed as not maintainable. However, the petitioner is at liberty to work out his remedy before the competent civil court for the custody of the child.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kua

To

1. The Commissioner of Police,  
Greater Chennai, Vepery, Chennai,

2. The Inspector of Police,  
W-35, All Women Police Station,  
Tambaram, Chennai-600 045.

3.The Public Prosecutor, High Court, Madras.

1 cc to Mr.Premkumar, Advocate, sr.43556

tm co  
kra 24.08.2016

H.C.P.No.1563 of 2016