

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.8.2016

CORAM

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

H.C.P.No.1763 of 2016

V. Yuvaraj

..... Petitioner

Vs

State Rep by
The Sub-Inspector of Police,
Melpatti Police Station,
Pernambut Taluk, Vellore District.

..... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondent to produce the body of the detainee, namely, Mrs.Kalaivani w/o. Yuvaraj aged about 30 years and Ms.Mahathi, minor aged 2 1/2 years before this Court and set them at liberty.

For Petitioner	: Mr.S.Viswanathan for M/s.Dass and Viswa Associates
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 husband of one Mrs.Kalaivani aged 30 years. They have got a child by name Mahathi aged 2 1/2 years. According to the petitioner, they are found missing. Therefore, he has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. A perusal of the affidavit would go to show that there is a matrimonial dispute between the petitioner and his wife and as a matter of fact, the petitioner has filed H.M.O.P.No. 04 of 2016 on the file of Subordinate Judge, Gudiyatham for divorce. When that be so, it cannot be stated that Kalaivani is in the illegal custody of her parents. So far as the child is concerned, it cannot be stated that the child is in the illegal custody of her mother.

4. Thus, we do not find any merits in this petition. The petitioner has to work out his remedy before the competent Civil Court.

5. In our considered view, the relief sought for in this petition cannot be granted. Accordingly, the Habeas Corpus Petition is dismissed.

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(S.N.J.,) (V.B.D.J.,)
22.8.2016

To

1. The Sub-Inspector of Police,
Melpatti Police Station,
Pernambut Taluk, Vellore District.

2. The Public Prosecutor, High Court, Madras.

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