

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 2.12.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.No.2545 of 2016

K. Selvi

...Petitioner

Vs.

- 1.The Commissioner of Police
Salem Commissioner Office
Salem.
- 2.The Inspector of Police
All Women's Police Station
Sooramangalam, Salem.
- 3.M.Saravanan

..Respondents

Prayer: Petition is 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 body of the detenues, namely, S.S. Reeya, aged about 10 years, and S.S.Idaa, aged about 7 years, who are the daughters of the petitioner herein, from the illegal custody of the third respondent and his associates, before this Court and to set them at liberty.

For Petitioner
For Respondents

: M/s.A.M.Natraj
: Mr.V.M.R.Rajentren,
Additional Public Prosecutor

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ORDER

[Order of the Court was made by S. BASKARAN, J.]

The petitioner has come forward with this petition seeking a direction to the respondents 1 and 2 to produce the detenues, namely, S.S. Reeya, aged about 10 years, and S.S.Idaa, aged about 7 years, who are the daughters of the petitioner herein, from the illegal custody of the third respondent and his associates, before this Court and to set them at liberty.

2. Admittedly, the petitioner and the third respondent had got married 10 years back and due to some misunderstanding, now they are living separately.

3. It is also stated that the H.M.O.P. filed by the third respondent husband seeking divorce is also pending in the family Court, Salem. Similarly, the petition filed by the petitioner seeking maintenance is also pending in the family Court, Salem.

4. In such circumstances, the petitioner has stated that on 13.11.2016, the third respondent came to the petitioner's house and on his request, the children were sent along with him. Thereafter, he refused to send the children back to the petitioner's house and now the children are in the custody of the third respondent.

5. Admittedly, the children are in the custody of the third respondent, who is father of the children. In such circumstances, it cannot be said that the children are in the illegal custody of any third party. The third respondent being a father and natural guardian to the children, the plea of the petitioner seeking custody of the two minor daughters cannot be entertained. Hence, the Habeas Corpus Petition stands dismissed. However, it goes without saying that it may be open to the petitioner to work out her remedy, if any, before the appropriate forum, in the manner known to law.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.The Commissioner of Police
Salem Commissioner Office
Salem.

2.The Inspector of Police
All Women's Police Station
Sooramangalam, Salem.

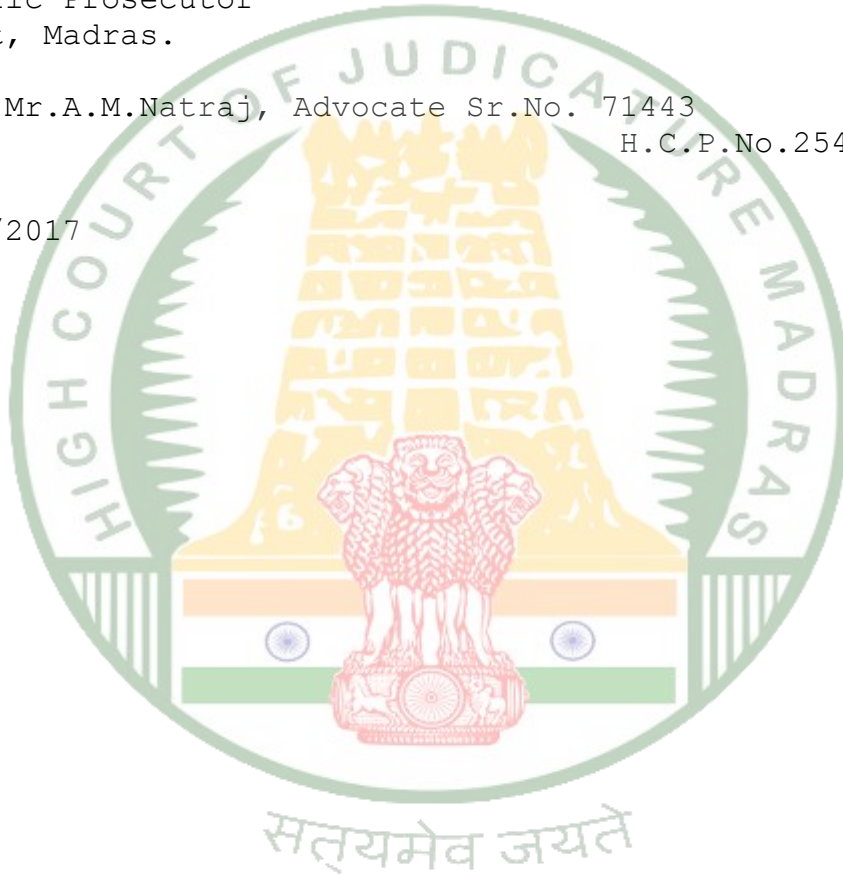
3.The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr.A.M.Natraj, Advocate Sr.No. 71443

H.C.P.No.2545 of 2016

CO/KK

RRI 04/01/2017



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