

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

Coram:

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.374 of 2016

Jainab Siddique

.. Petitioner

vs.

1.Inspector of Police
Kattumannarkoil Police Station
Kattumannarkoil
Kattumannarkoil Taluk
Cuddalore District.

2.Jafarullah

3.Haijamma

.. Respondents

Habeas Corpus Petition has been filed under Article 226 of the Constitution of India for a Writ of Habeas Corpus, directing the 1st respondent police to produce the body of the petitioner's minor son, by name, Jahir Ahamed, S/o.Javeed Ahamed, aged about 3 years, before this Court and set him at liberty.

For petitioner :Mr.R.Gururaj

For respondent :Mr.V.M.R.Rajentran,
Addl. Public Prosecutor for R.1

O R D E R

(Order of the Court was made by M.JAICHANDREN,J)

This Habeas Corpus Petition has been filed praying that this Court may be pleased to direct the 1st respondent police to produce the body of the petitioner's minor son, namely, Jahir Ahamed, S/o.Javeed Ahamed, aged about 3 years, before this Court, and set him at liberty.

2. The petitioner has stated, that the petitioner had married Javeed Ahamed, son of respondents 2 and 3 herein, on 16.09.2012. The marriage had been performed as per the custom prevailing among Muslims. Out of the marriage, the detenu, namely, Jahir Ahamed, was born on 18.05.2013. Thereafter, due to certain differences, there was a divorce between the petitioner and her husband. After the divorce, the detenu, who

is the minor child of the petitioner, had been taken away by the respondents 2 and 3 herein, who are the parents of her husband Javeed Ahamed. In such circumstances, the petitioner had lodged a complaint before the 1st respondent, on 20.02.2016. However, since, no effective steps had been taken, by the 1st respondent police, to secure the detenu and to hand over his custody to the petitioner, the present Habeas Corpus Petition has been filed before this Court.

3. We have heard Mr.R.Gururaj, the learned counsel appearing on behalf of the petitioner; Mr.V.M.R.Rajentran, the learned Additional Public Prosecutor appearing on behalf of the 1st respondent police; and we have also perused the records available before this Court.

4. We are of the considered view that it is for the petitioner, to seek her remedy, if any, before the appropriate forum, praying for the custody of her minor child viz., Jahir Ahamed. It is not for this Court to go into such issues in this Habeas Corpus Petition, by way of invoking the power under Article 226 of the Constitution of India, at this stage. Hence, we find it appropriate to dismiss the Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition is dismissed. However, we make it clear that it is open to the petitioner, to seek her remedy, if any, before the appropriate forum, in the manner known to law.

-s/d-

Assistant Registrar

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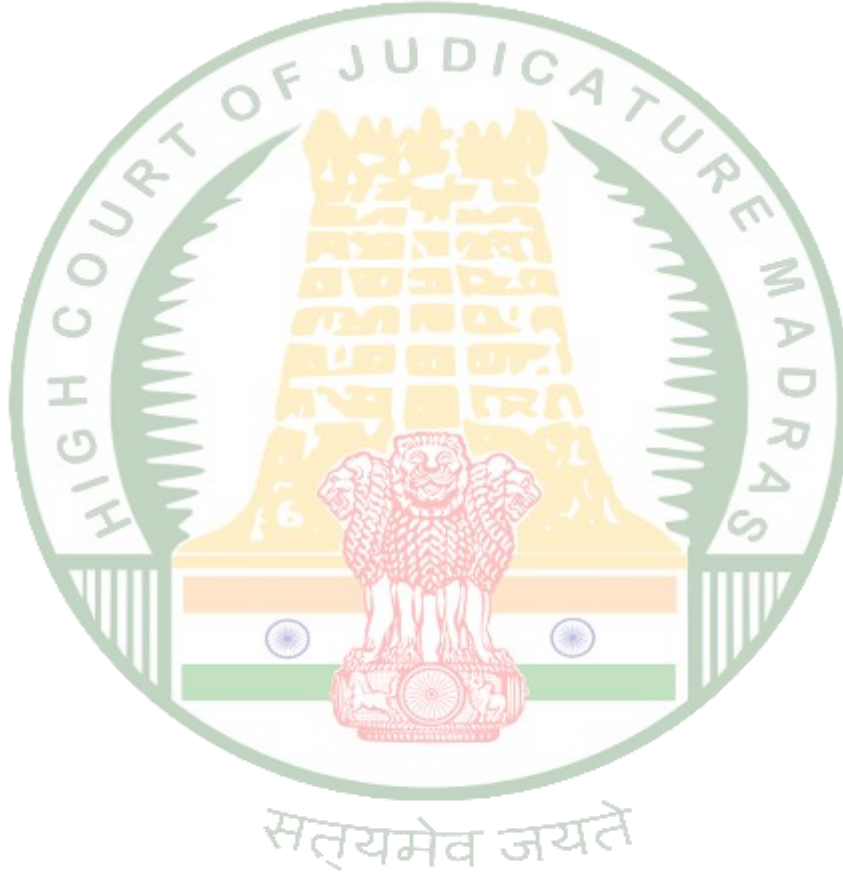
- 1.The Inspector of Police
Kattumannarkoil Police Station
Kattumannarkoil
Kattumannarkoil Taluk
Cuddalore District.

2.The Additional Public Prosecutor
High Court, Madras.

+1 cc to Mr.R.Gururaj Advocate sr.14127

H.C.P.No.374 of 2016

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