

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM

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

H.C.P.No.421 of 2016

P.Radhika

Petitioner

vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore.

2.State rep. By the Inspector of Police,
B-3, All Woman Police Station,
Gandhipuram,
Coimbatore.

3.K.Manjula

4.Sabareeswaran

Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents 1 and 2 to produce the detainee or body of petitioner's female child S.Vriksha, 4 years old before this Court who is in the illegal detention by the third and fourth respondents and set her at liberty.

For Petitioner : Mr.Babu Rangasamy

For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

[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 respondents 1 and 2 to produce the detainee, a female child of the petitioner, by name S.Vriksha, aged about 4 years, before this Court, who is in the

illegal detention of the respondents 3 and 4 and set her at liberty.

2.The petitioner, who is the mother of the detinue, has stated that she had married the fourth respondent herein, on 21.10.2010, at Kumaran Kalyana Mandapam, Goundampalayam, Coimbatore and out of the said wedlock, a girl child, by name S.Vriksha, was born to them, on 12.11.2011. According to the petitioner, the fourth respondent had developed drinking habit and has become an addict and he had also been torturing the petitioner, by beating her and by demanding dowry. Due to the disputes that had arisen between the petitioner and the fourth respondent, the fourth respondent had gone away from the matrimonial home, along with the minor child S.Vriksha.

3.In such circumstances, the petitioner has lodged a complaint before the second respondent, on 15.02.2016. Since, the second respondent had not taken any effective steps to trace the detinue, the petitioner has preferred the present Habeas Corpus Petition.

4.From the averments made in the affidavit filed in support of this petition and on perusal of the records, we are convinced that the husband of the petitioner, the fourth respondent herein, had certain matrimonial disputes with the petitioner and therefore, he had gone away from the matrimonial home, along with his minor daughter S.Vriksha, aged about 4 years. In such cases, it would be appropriate for the petitioner to approach the appropriate forum to seek the custody of the child and for other reliefs. As such, the petitioner cannot approach this Court with this Habeas Corpus Petition. Hence, we find no reason to grant the relief, as prayed for by the petitioner, in the present Habeas Corpus Petition.

5.In the result, this Habeas Corpus Petition is dismissed. However, it goes without saying that it would be open to the petitioner, to work out her remedies before the appropriate forum.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore.

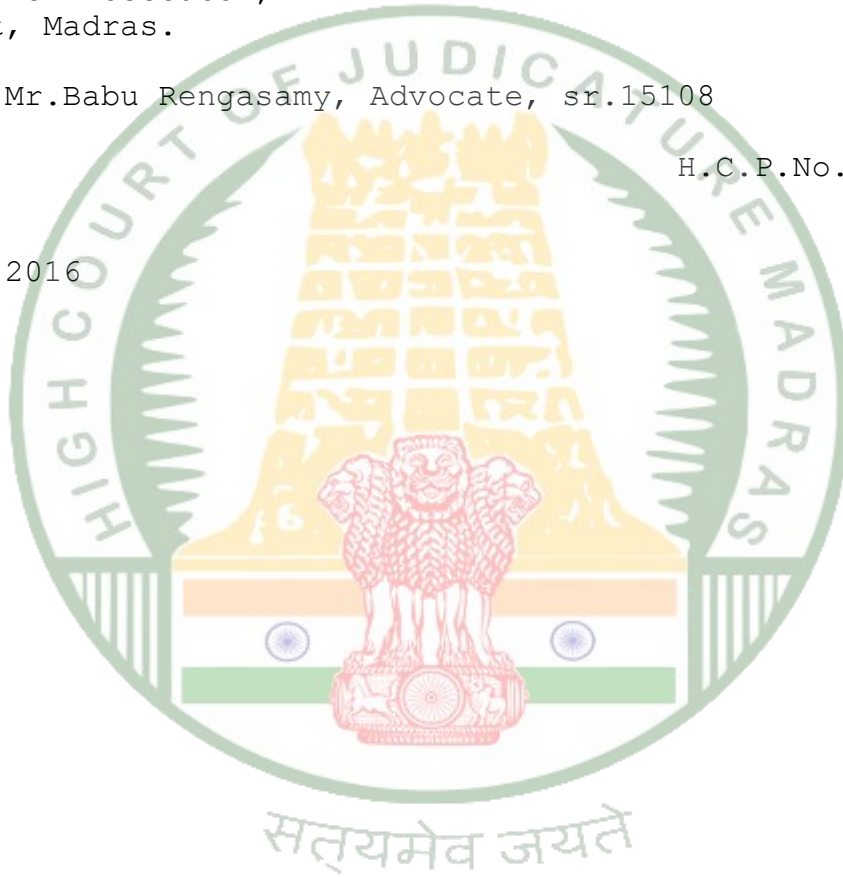
2.The Inspector of Police,
B-3, All Woman Police Station,
Gandhipuram,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1 ccc to Mr.Babu Rengasamy, Advocate, sr.15108

H.C.P.No.421 of 2016

tej co
kra 17.03.2016



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