

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

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

H.C.P.No.703 of 2016

Tmt.R.Geetha

..

Petitioner

vs.

1.The Superintendent of Police,
Thiruvallur District.

2.The Inspector of Police,
W.14, All Women Police Station,
Tiruvottiyur, Chennai - 19.

3.K.Rajesh

.. 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 to produce the detinue namely Hirthik and Littik S/o Rajesh aged about 3 ½ years and 2 years respectively; before this Court and set them at liberty forthwith who are now confined at the hands of the third respondent at Tiruvallur.

For Petitioner : Mr.B.Karthikeyan

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, to produce the detenus, namely, Hirthik and Littik, aged about 3 ½ years and 2 years, respectively, before this Court, and set them at liberty, forthwith.

2.The petitioner has stated that she had married the third respondent, on 01.12.2011, at Tirupathi. Out of the said wedlock, they had two children. While so, the third respondent

who is an employee of the Railways, had started abusing the petitioner and her children. Due to some misunderstanding that had developed, the third respondent had left the matrimonial home. The third respondent had also filed a divorce petition against the petitioner, in H.M.O.P.No.147/2014, before the Family Court, Tiruvallur, and the said petition had been decreed exparte.

3.In such circumstances, the third respondent had taken away the detenus, namely, Hirthik and Littik and he has been keeping them in illegal custody. Therefore, the petitioner had lodged a complaint before the second respondent, on 20.02.2016. Since, the second respondent had not taken any effective steps to trace the detenus, 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 third respondent herein, had certain matrimonial disputes with the petitioner and therefore, he had gone away from the matrimonial home, along with his minor sons namely, Hirthik and Littik aged about 3 ½ years and 2 years, respectively. In such circumstances, it would be appropriate for the petitioner to approach the appropriate forum to seek the custody of the children and for other reliefs, if any. 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. Hence, it is dismissed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

jbm
To

- 1.The Superintendent of Police,
Thiruvallur District.
- 2.The Inspector of Police,
W.14, All Women Police Station,
Tiruvottiyur, Chennai - 19.
- 3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.B.Karthikeyan, Advocate, sr.22578

H.C.P.No.703 of 2016

cnr co
kra 29.04.2016