

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2016

CORAM

THE HONOURABLE MR. JUSTICE M.JAICHANDREN

AND

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

HCP No.879/2016

S.Thenmozhi

Petitioner

Vs

1 The Superintendent of Police
Salem District.

2 The Inspector of Police
All Women Police Station
Attur, Salem District.

3 Ramakrishnan

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus directing the 3rd respondent to cause the production of the minor child Srimathi, aged about 3 years before this Court and hand over the child to the petitioner.

For Petitioner : Mr.V.Bhiman

For R1 & R2 : Mr.V.M.R.Rajentran
Addl. Public Prosecutor

ORDER

[Order of the court was made by M.JAICHANDREN, J.,]

This Habeas Corpus Petition, has been filed by the petitioner/mother of the detinue, praying that this Court, may be pleased to direct the 3rd respondent to produce her daughter, Srimathi, aged about 3 years, who is said to be in the illegal custody of the 3rd respondent herein, before this Court and to hand over her custody to the petitioner.

2 The petitioner had stated that the 3rd respondent herein is her husband and he had taken away the minor child and he is keeping her in illegal custody, in spite of the order, passed by this Court, on 02.09.2014, in HCP No.2153/2014. It has also been stated that the 3rd respondent had filed HMOP No.99/2013, before the Sub Court, Attur, for divorce and the petitioner has filed MC.No.1/2014, before the learned Judicial Magistrate, Sankarapuram, seeking maintenance, for herself and for her minor child. In such circumstances, the petitioner has given a complaint to the respondent police, stating that the 3rd respondent had taken away the minor child. The said complaint has been assigned CSR.No.155/2014. However, as no effective steps have been taken by the respondent police, to secure the minor child of the petitioner, the petitioner has preferred the present Habeas Corpus Petition.

3 Heard the learned counsel, appearing on behalf of the petitioner and the learned Additional Public Prosecutor, appearing on behalf of the respondents 1 and 2.

4 In view of the submissions, made by the learned counsel appearing for the parties concerned and in view of the averments, made in the affidavit filed in support of this petition and on a perusal of the records available before this Court, we are of the considered view that it is for the petitioner to seek her remedies, if any, before the appropriate Forum, in the manner known to law. Hence, no relief can be granted in the present petition, as prayed for, by the petitioner.

5 Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1 The Superintendent of Police
Salem District.

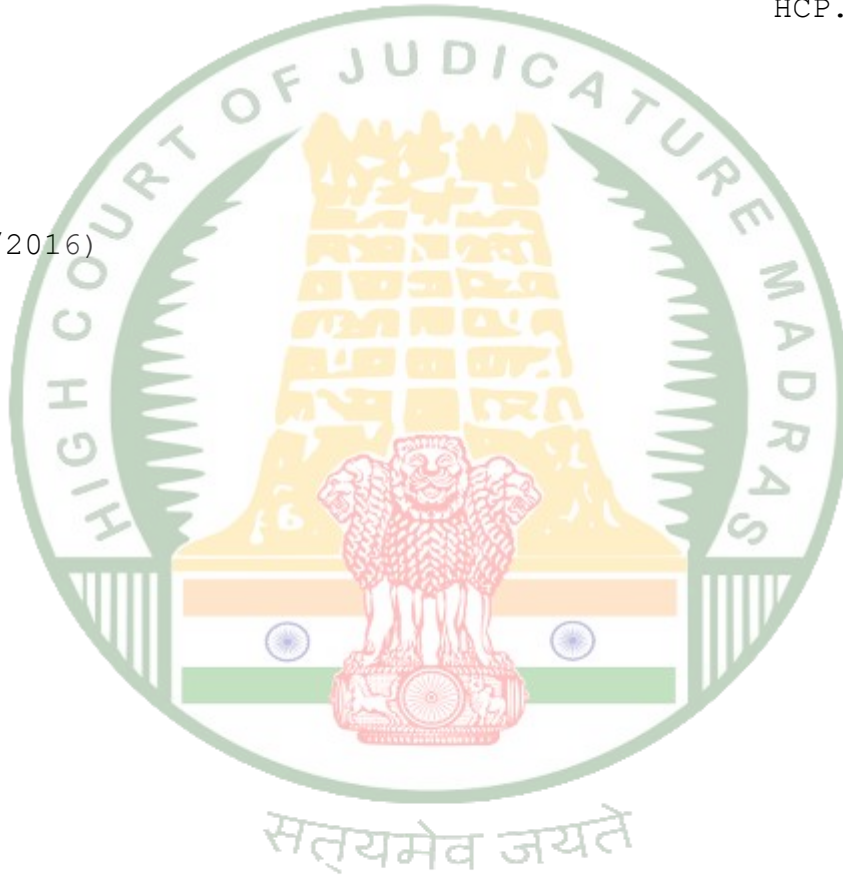
2 The Inspector of Police
All Women Police Station
Attur, Salem District.

3 The Public Prosecutor
High Court, Madras.

+1cc to Mr.V.Bhiman, Advocate Sr.27008

HCP.No.879/2016

ak(CO)
srg(27/05/2016)



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