



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P. (MD) No.1282 of 2016

Kalaivani

:Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Thevaram P.S. Theni District.

3.The Sub Inspector of Police,
Kombai P.S., Theni District.

4.Sivaraman

5.Somasunderam

6.K.P.R.Baskaran

7.Senthil

:Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondent Nos.1 to 3 to produce the body or person of the detenu, namely Yazhisai, D/o.Sivaraman, aged about 2 years before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.T.Senthil Kumar

For Respondents 1to3 : Mr.A.Ramar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the wife of the fourth respondent. They are living separately. There is a petition filed by the fourth respondent to appoint himself as a guardian for the child Yazhisai, aged 2 years and 3 months, pending on the file of the District Court at Theni in G.W.O.P.No.28 of 2016. According to the petitioner, the child was taken by force by the fourth respondent and being illegally detained by him. The learned counsel took us through paragraph Nos.11 and 12 of the allegations made in the Guardian Original Petition. He submitted that the child was all along with the petitioner, but, by force, the fourth respondent has taken the child.



2. But, a perusal of the averments made in the Guardian Original Petition would go to show that since the child was fell in ill, the fourth respondent admitted the child in the hospital and after taking treatment, he has taken the child with him. From these averments, it is crystal clear that there is some dispute regarding the custody of the child, which can be resolved by the petitioner before the District Court at Theni, where the Guardian Original Petition is pending.

3. In such view of the matter, we find no reason to entertain this petition. Hence, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Superintendent of Police, Theni District.

2.The Inspector of Police, Thevaram Police Station,Theni District.

3.The Sub Inspector of Police,
Kombai Police Station, Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.T.Senthilkumar, Advocate in SR.54351

H.C.P.(MD) No.1282 of 2016

Dated: 21.09.2016

sml

PBK/SK-SKN 29/09/2016 ::2P-6C: