



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.05.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

H.C.P.(MD)No.651 of 2016

A.Veerappan : Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Pudukottai District,
Pudukottai.

2. The Inspector of Police,
Aranthangi Police Station,
Aranthangi,
Pudukottai District.

3. Dhavamani Devi : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus to direct the respondents 1 and 2 to produce the petitioner's minor son Iyyappan, aged about 13 years before this Court, who is under the illegal custody of the third respondent and hand over the custody to the petitioner in accordance with law.

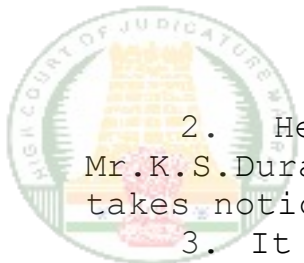
For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents 1&2 : Mr.K.S.Duraipandian,
Additional Public Prosecutor

O R D E R

[Order of the Court was made by **R.MAHADEVAN, J.**]

The petitioner has come up with the present Habeas Corpus Petition seeking a direction to the first and second respondents to produce his minor son Iyyappan, aged about 13 years before this Court, who is under the illegal custody of the third respondent and hand over the custody to the petitioner in accordance with law.



2. Heard the learned counsel for the petitioner and Mr.K.S.Duraipandian, learned Additional Public Prosecutor, who takes notice on behalf of the first and second respondents.

3. It is seen from the materials available on record in the form of typed-set of papers that the petitioner is the husband of the third respondent herein and due to matrimonial dispute, there are several proceedings pending between them. It is further seen that the detenu is with the third respondent, who is none other than his mother and natural guardian. The third respondent, being the mother, is entitled to have the custody of her minor child, namely Iyyappan.

4. In view of the fact that since the detenu, viz., Iyyappan, is in the custody of the third respondent, who is stated to be his mother and natural guardian, we are of the view that filing of the present Habeas Corpus Petition is not maintainable and hence, the petition stands dismissed.

Sd/-
VACATION OFFICER

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukottai District,
Pudukottai.

2.The Inspector of Police,
Aranthangi Police Station,
Aranthangi,
Pudukottai District.

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

+ 1cc to M/s.P.Ganapathi Subramanian Advocate Sr.No. 2848

sml

JA/PEK/SAR-III/02.06.2016/2P-5C

Order made in
H.C.P. (MD) No.651 of 2016
Dated: **25.05.2016**