

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.125 of 2017

S.Vijayalakshmi

... Petitioner/Mother
of the Detenue

Vs

1. Inspector of Police
All Women Police Station
Saidapet, Chennai - 600 015.
 2. The Inspector of Police
Saidapet Police Station
Chennai - 600 015.
 3. Sathishkumar C.B
 4. The Assistant Commissioner of Police
Saidapet Range, Chennai - 600 015.
- Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ or order or direction in the nature of Habeas Corpus Petition to direct the respondent's 1 and 2 to produce the petitioner's daughter Preedhiksha S.V, aged about 06 years, before this Hon'ble Court and handover the custody to the petitioner.

For Petitioner : Mr.J.Devakumar

For respondents : Mr.V.M.R.Rajentren
1, 2 & 4 Additional Public Prosecutor

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ORDER

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

The petitioner is the mother of one Preedhiksha S.V, aged about 06 years, has come up with this Habeas Corpus Petition, alleging that the third respondent, who is the father of the child namely Mr.Sathishkumar C.B, has detained the child illegally.

2.It appears that there is a matrimonial dispute between the petitioner and the third respondent. The child is after all

with her father. It cannot be stated to be an illegal detention. If the petitioner claims that, she has the right to take custody of the child, then it is for her to work out the remedy before appropriate forum. The petitioner cannot invoke the jurisdiction under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus Petition in this matter. With the above observation, the Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sr/jer

To

1. The Inspector of Police
All Women Police Station
Saidapet, Chennai - 600 015.
2. The Inspector of Police
Saidapet Police Station
Chennai - 600 015.
3. The Assistant Commissioner of Police
Saidapet Range,
Chennai - 600 015.
4. The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.J.Devakumar, Advocate, S.R.No.17391

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GJ II(CO)
CA(12/04/2017)

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