

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2017

CORAM

THE HONOURABLE Mr.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

H.C.P.No.392 of 2017

C.Sureshkumar ... Petitioner

Vs.

1. The Superintendent of Police,
Dharmapuri.

2. The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri.

3.Vidhya

4.Nelson

5.Sathishkumar

6.Rajasekar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus, to direct the 1st and 2nd respondents to secure and produce the detainees minor Yathra, Hindu aged 7 years, minor Yathavan, Hindu aged about 5 years both daughter and son of C.Sureshkumar who are in the illegal custody of the respondents 4 to 6, before this Honourable court and consequently set them at liberty.

For Petitioner : Mr.J.Bharathi Raja

For Respondents: Mr.V.M.R.Rajendran,
Additional Public Prosecutor
for R1 and R2

O R D E R

K.K.SASIDHARAN, J.

When it was pointed out as to how the Habeas Corpus Petition is maintainable in a family matter, in which, the matrimonial proceedings are pending between the parties and the minors are in the custody of the third respondent, who is stated to be the

wife of the petitioner, the learned counsel submitted that he is withdrawing the Habeas Corpus petition with liberty to move the Family Court with appropriate relief. He has also made an endorsement to that effect.

2. In view of the endorsement so made, the Habeas Corpus Petition is dismissed as withdrawn with such liberty. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The Superintendent of Police,
Dharmapuri.

2. The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri.

+T. Bharathirajalcc to Mr.*, Advocate, S.R.No.15456

msm(CO)
md(22/03/2017)

H.C.P.No.392 of 2017

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