

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.04.2017

CORAM

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

H.C.P No.576 of 2017

R. Aruna Devi

.. Petitioner

Vs

1.The Superintendent of Police,
Namakkal District
Namakkal

2. The Inspector of Police,
Mohanur Police Station,
Namakkal District

3. Ramalingam

4. Santhi

5. Mani

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ Order or any other direction more specifically a Writ of Habeas Corpus directing the respondents herein to produce the sons of the petitioner viz., R. Vibishan and R. Vibin, aged about 5 years before this Court and set them at liberty forthwith.

For Petitioner : Mr.C. Prabakaran
For R.1 & R.2 : Mr.V.M.R. Rajentren
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the third respondent and the respondents 4 and 5 are in the in-laws of the petitioner. The petitioner has got twins by name R. Vibishan and R. Vibin, aged about 5 yeas. According to the petitioner, these children are now illegally kept by the respondents 3 to 5. This is the grievance of the petitioner and therefore, the petitioner has come up with this habeas corpus petition.

2.Heard the learned Additional Public Prosecutor and perused the records carefully.

3. On perusal of the affidavit, filed in support of the petition, it would go to show that already matrimonial disputes are pending before the Subordinate Court, Namakkal in HMOP No.286 of 2016. When that be so, the question of production of the children, as sought for, is not within the jurisdiction of habeas corpus petition. Therefore,

the habeas corpus petition is dismissed leaving open to the petitioner to work out her remedy before the Family Court.

**(S.N.J.,) (A.S.M.J.,
19-04-2017**

sr

Speaking Order/Non-speaking Order
Index:yes/no
website:yes/no

To

- 1.The Superintendent of Police,
Namakkal District
Namakkal
2. The Inspector of Police,
Mohanur Police Station,
Namakkal District
3. The Public Prosecutor, High Court, Chennai

S.NAGAMUTHU,J.,
And
ANITA SUMANTH,J.,

sr

H.C.P.No.576 of 2017

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