



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.1108 of 2017

U.Saravanan ... Petitioner

-vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Bodinayakkanoor Sub-Division,
Theni District.
3. The Inspector of Police,
Nagar Police Station, Bodinayakkanoor,
Theni District.

4.Mrs.Shanthi ... Respondents

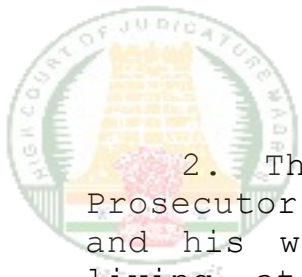
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to secure the petitioner's son by name S.Sanjay, son of U.Saravanan, aged about 10 years produce the body and person of his son before this Court and handover him to the petitioner forthwith.

For Petitioner	:	Mr.S.Malaikani
For R1 to R3	:	Mr.T.Mohan
		Additional Public Prosecutor
For R-4	:	No appearance

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is the father of the detenu, has filed this present petition alleging that the detenu is under the illegal custody of the fourth respondent.



2. The report produced by the learned Additional Public Prosecutor would show that the relationship between the petitioner and his wife got strained years ago. Thereafter, the wife was living at Dubai and the detenu was living with the fourth respondent, who is none other than the mother-in-law of the petitioner. Thereafter, the detenu joined with the fourth respondent from whom he was sent to Dubai.

3. The learned Additional Public Prosecutor would submit that at present the detenu is studying at Dubai.

4. From the above facts, we do not find any illegal detention involved. It is purely a question of custody of the minor child. In such view of the matter, this Habeas Corpus petition is dismissed with liberty to the petitioner to workout the remedy in the manner known to law, in which case the Court concerned shall not take note of the order passed including the narration of facts which are only prima facie in nature.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Theni District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Bodinayakkanoor Sub-Division,
Theni District.
3. The Inspector of Police,
Nagar Police Station, Bodinayakkanoor,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.S.Malaikani , Advocate in SR.No. 75892

am/cp

AE/MR KKR/SAR1/11.09.2017/2P/6C