



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH  
AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA  
H.C.P.[MD].No.1474 of 2017

WEB COPY

V.Sirajunisha : Petitioner  
Vs.

1.The Superintendent of Police,  
Thanjavur District.

2.The Inspector of Police,  
Adirampattinam Police Station,  
Thanjavur District.

3.Mr.Nazrudeen

4.Ayub : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detenu, petitioner's grandson, namely, Mohamed Idrish S/o.[Late].Haja Mohamed, aged about 2 years, before this Court from the illegal custody of the respondents 3 and 4 and hand over the custody to the petitioner.

For Petitioner : Mr.K.A.S.Prabhu

For Respondents 1&2 : Mr.C.Ramesh

Additional Public Prosecutor

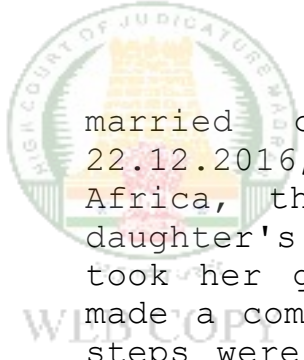
For Respondents 3&4 : Mr.I.Mohammed Sirajudeen Meera

#### O R D E R

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

The present Habeas Corpus Petition has been filed by the maternal grandmother of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detenu, namely, Mohamed Idrish S/o.[Late].Haja Mohamed, aged about 2 years, before this Court from the illegal custody of the respondents 3 and 4 and hand over the custody to the petitioner.

2. According to the petitioner, she has three children, namely, Marzhiya, Sumaiya and Noora. On 26.05.2008, the marriage was solemnized between her second daughter and one Haje Mohammed. Due to the wedlock, they were blessed with a male child, namely, Mohammed Ierish. On 28.01.2015, the son-in-law of the petitioner returned back her parental home, along with her minor child, aged about six months. On 14.07.2016, the daughter of the petitioner



married one Nijar Mohamed, S/o.K.Nawap. Subsequently, on 22.12.2016, when the husband of the petitioner was in South Africa, the respondents 3 and 4, who are the brothers of her daughter's first husband, trespassed into her house and forcibly took her grandson to their home. In this regard, the petitioner made a complaint before the second respondent. Since no effective steps were taken by the second respondent police to trace out the minor child, the petitioner has come up with the present Habeas Corpus Petition.

3. On an earlier occasion, when the Habeas Corpus Petition was taken up for consideration, the parties appeared before this Court. Since the issue relates to custody of the child, after due enquiry with the petitioner and the respondents 3 and 4, in order to settle the dispute amicably, by order dated 19.12.2017, we directed the Registry to post the Habeas Corpus Petition before the Medication and Conciliation Centre, attached to this Bench. Accordingly, Mediation was conducted between the parties, however, the mediation could not succeed. Hence, this Habeas Corpus Petition is listed today before this Court for passing appropriate orders.

4. In our considered view, since the issue relates to custody of the child, the Habeas Corpus Petition is not maintainable. Therefore, the Habeas Corpus Petition is dismissed, leaving it open to the parties to work out their remedies before the appropriate forum.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,  
Thanjavur District.
- 2.The Inspector of Police,  
Adirampattinam Police Station,  
Thanjavur District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.K.A.S.Prabhu, Advocate SR.No. 93775

+1cc to M/S.I.Mohammed Sirajudeen Meera, Advocate SR.No. 94049

ORDER MADE IN  
H.C.P.[MD].No.1474 of 2017  
20.12.2017