



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

H.C.P. (MD) No.1749 of 2017

Muthuveeran @ Muthuchamy : Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti,
Madurai District.

3.Rasu Muthaveeran

4.Jeyaselvam @ Karupu : Respondents

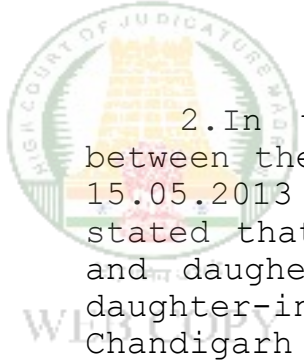
PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 and 2 herein to produce the persons or body of the petitioner's minor grand daughter Vikhasini, aged about 3 years, D/o.Muthukrishnan and unnamed male baby aged about 5 months, who is son of Sunanda and hand over their custody to the petitioner.

For Petitioner	: Mr.C.Jegannathan for M/s.Veera Associates
For R1 and R2	: Mr.C.Ramesh Additional Public Prosecutor
For R3 & R4	: Mr.J.Selvam

ORDER

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

The present Habeas Corpus Petition has been filed by the grand father of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the persons or body of the petitioner's minor grand daughter Vikhasini, aged about 3 years, D/o.Muthukrishnan and unnamed male baby aged about 5 months, who is son of Sunanda and hand over their custody to the petitioner.



2. In the affidavit, it has been averred that the marriage between the son of the petitioner and one Sunanda was solemnized on 15.05.2013 and due to wedlock, she gave birth to a daughter. It is stated that the petitioner stayed at Chandigarh along with his son and daughter-in-law. It is further averred that the petitioner's daughter-in-law developed illicit intimacy with one Harish at Chandigarh and due to which, she eloped with him along with her female child. Immediately, the petitioner's son gave a complaint before the Chandigarh Police Station and a divorce petition has been filed before the District Court, Chandigarh and the same is pending. While so, on 25.10.2017, the said Sunanda came along with two children and she filed a petition before the learned Judicial Magistrate, Usilampatti under the Domestic Violence Act and the same is pending and she also gave a criminal complaint before All Women Police Station, Usilampatti against her husband. It is alleged that on 28.11.2017, the third and fourth respondents kidnapped the said Sunanda and her two children. Hence, the petitioner lodged a complaint before the respondent police. Since no effective steps have been taken by the second respondent police to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the learned Additional Public Prosecutor, on instructions, submitted that based on the complaint given by one Valarmathi, the mother of the detenu, a case has been registered in Crime No.1014 of 2017 for offences under Sections 366 and 366(A) IPC by the Usilampatti Town Police Station. He further stated that due to family dispute, a petition in H.M.O.P.No.277 of 2017 has been filed for restitution of conjugal rights before the learned Judicial Magistrate No.3, Madurai. He further stated that the dispute between the parties is only for the custody of the minor child.

4. On reading of the entire affidavit, we are of the opinion that the issue involved in the Habeas Corpus Petition is only with regard to the custody of the minor child, for which, the Habeas Corpus Petition is not an appropriate remedy. Therefore, we are not inclined to entertain this Petition. Accordingly, the Habeas Corpus Petition is closed. However, the petitioner is at liberty to work out his remedy before the appropriate forum.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub-Assistant Registrar



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

+One cc to Mr.J.Selvam, Advocate, SR.No.92755

+One cc to M/s.Veera Associates, Advocate, SR.No.92783

Ns

RL/6C/3P/MR/KKR/SAR4/28/12/2017

Order made in
H.C.P. (MD) No.1749 of 2017

Dated:
14.12.2017