



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM:

WEB COPY

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

H.C.P. (MD) No. 1761 of 2017

Chitra Devi : Petitioner
Vs.

1. The Superintendent of Police,
Trichy, Trichy District.

2. The Deputy Superintendent of Police,
Manapparai, Trichy District.

3. The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.

4. Muthuvijayan : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body of the detainee namely Muthumanickam son of Muthu Vijayan, aged 11 years before this Court and handover the custody to the petitioner.

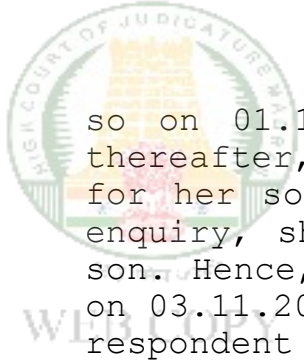
For Petitioner : Mr. S. Gopalamanikandan
For R1 to R3 : Mr. C. Ramesh
Additional Public Prosecutor

ORDER

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

The present Habeas Corpus Petition has been filed by the wife of the fourth respondent, seeking a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body of the detainee namely Muthumanickam, S/o. Muthu Vijayan, aged about 11 years before this Court and handover his custody to the petitioner.

2. In the affidavit, it has been averred that the marriage between the petitioner and the fourth respondent was solemnized 12 years back and out of wedlock, the petitioner gave birth to two male children and subsequently, there was a matrimonial dispute between them, the petitioner lived separately along with her children. While



so on 01.11.2017, the petitioner's elder son went to School and thereafter, he did not return. Immediately, the petitioner searched for her son in various places, but she could not trace him and on enquiry, she came to know that the fourth respondent kidnapped her son. Hence, the petitioner made a complaint to the third respondent on 03.11.2017. Since no effective steps have been taken by the third respondent to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3. 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

To

1. The Superintendent of Police,
Trichy, Trichy District.
2. The Deputy Superintendent of Police,
Manapparai, Trichy District.
3. The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr. S. Gopalamanikandan, Advocate, SR.No.91110

Ia/Ns

RL/6C/2P/SKN/RSK/SAR4/28/12/2017

Order made in
H.C.P. (MD) No.1761 of 2017