



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.06.2017

CORAM
THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR. JUSTICE P.VELMURUGAN

H.C.P(MD)No.735 of 2017

Lavanya : Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai
Sivagangai District,

2.The Sub Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai.

3.Nachiappan

4.Sakunthala : Respondents

This Habeas Corpus 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 to produce the persons or bodies of the detainees namely N.Sivam S/o, Nachiappan, aged 13 years and N.Ram, S/o. Nachiappan aged 10 years before this Court and hand over the custody to the petitioner.

For Petitioner	: Mr.R. Sundar for Ms.R.Jansirani
For Respondents 1 & 2	:Mr.T.Mohan, A.P.P.
Respondents 3 & 4	:Mr.Govardhanan

ORDER

(Order of the Court was made by T.S.SIVAGNANAM)

The petitioner is the mother of the detainees namely two minor boys. Though the petitioner had filed a petition for guardianship and the same is pending before the concerned Court, suppressing the said fact, this HCP has been filed.

2.There has been lot of litigation between the parties namely the petitioner and the third respondent, her husband, which were very clear in their views. However, we do not want to

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divorce,
the Police

4. Thus we find there is no case of illegal detention but it is a clear case of forum shopping, where the petitioner having already moved every forum, has come forward with this case, alleging as if the children are in the illegal custody of the third respondent. Thus no grounds have been made to issue a direction in this habeas corpus petition and it is sufficient to record the statement given by the third respondent that he does not propose to migrate to United States nor take the children back.

Sd /-

/TRUE COPY/

To

<https://hcservices.secourts.gov/hcservices>



2.The Sub Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC TO MS.R.JANSIRANI, ADVOCATE, SR NO.58792

Arul/dsk
MAS/JC/SAR4:14.06.2017:3P-6C

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