

HON'BLE SRI JUSTICE SANJAY KUMAR

AND

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.30544 OF 2017

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner seeks a writ of *habeas corpus* to direct the Police authorities to produce his minor son, P.Sharan Tej, before this Court from the custody of his mother, the 4th respondent.

The petitioner asserts that in terms of the Memorandum of Understanding entered into by and between the couple on 19.07.2017, the 4th respondent-wife has to handover the custody of child to him but she failed to do so.

The matter, on the face of it, relates to a custody battle between the parents. A writ of *habeas corpus* is not a proper remedy as custody of child with either of the parents cannot be categorized as illegal *per se*. The writ petition is accordingly dismissed leaving it open to the petitioner to avail appropriate remedies in accordance with law before the proper forum.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR, J

Dr. SHAMEEM AKTHER, J

Date: 19-09-2017.

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(Order of the Division Bench delivered by
Hon'ble Sri Justice Sanjay Kumar)

Date. 19-09-2017

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