

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2018

CORAM:

THE HON'BLE DR. JUSTICE S.VIMALA

AND

THE HON'BLE MRS. JUSTICE S.RAMATHILAGAM

H.C.P.No.841 of 2018

P.Shanmugam

... Petitioner

versus

1. The Commissioner of Police,
Old Post Office Road,
Hozur Road,
Near Railway Station,
Gopalapuram,
Coimbatore - 641 018.

2. The Inspector of Police,
Thudiyalur Police Station,
Thudiyalur,
Coimbatore - 641 034.

.... Respondents

Habeas Corpus Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Habeas Corpus, to direct the 2nd respondent herein to secure the body of the detenu by name Vijay Padmanabhan, aged 8 years, and produce him before this Court and hand over to the petitioner.

For Petitioner : Mr.B.Vijaya Kumar

For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

(DELIVERED BY DR. S.VIMALA, J.)

This Habeas Corpus Petition has been filed by the petitioner/father of detenu, seeking a direction to the 2nd respondent herein to secure and produce the detenu by name Vijay Padmanabhan, aged 8 years, before this Court.

2. It is an admitted fact that proceedings are pending before the Family Court.

3. It is submitted by the learned counsel representing the mother of the detenu that mother of the detenu is not added as party in this case. The mother of the detenu has obtained an order from the Family Court, in which, the Family Court has passed an order directing the petitioner not to forcibly take away the child. Therefore, the child custody issue should be decided by the concerned Family Court and not by this Court as the jurisdiction is exclusively vested with the Family Court in respect of guardianship and custody.

4. The learned Additional Public Prosecutor also submitted that jurisdiction is vested with the Family Court dealing with the child custody issue and not with this Court.

5. Recording these statements, the Habeas Corpus Petition is closed with liberty to the parties to seek appropriate relief before the competent and appropriate forum.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Old Post Office Road, Hozur Road,
Near Railway Station, Gopalapuram,
Coimbatore - 641 018.

2. The Inspector of Police,
Thudiyalur Police Station,
Thudiyalur, Coimbatore - 641 034.

3. The Public Prosecutor,
High Court, Madras-104.

+1cc to Mr.B.Vijaya Kumar, Advocate, S.R.No.

H.C.P.No.841 of 2018

SVN(CO)

BM 11/07/2018