

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.06.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE M.NIRMAL KUMAR

H.C.P.No.911 of 2018

S.Sivakumar .. Petitioner

Vs.

1. The Superintendent of Police
Superintendent Office,
Tiruvannamalai, Tiruvannamalai District

2. The Inspector of Police,
Taluk Police Station,
Tiruvannamalai

3. Sripriya .. Respondents

Prayer: Petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus to direct the Respondents 1 and 2 to produce the Petitioner's Minor Son, viz., S.Muthukumaran, aged about 7 years, before this Court and handover to the Petitioner's custody.

For Petitioner : Mr.A.L.Perumalsami

For Respondents 1,2 : Mr.R.Prathap Kumar for R1 and R2
Additional Public Prosecutor

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

The Petitioner has filed the present Writ of Habeas Corpus Petition praying for passing of an order by this Court in directing the Respondents 1 and 2 to produce his son, viz., S.Muthukumaran, aged about 7 years before this Court and to handover his custody to him.

2. Heard the Learned Counsel for the Petitioner and Learned Additional Public Prosecutor for the Respondents 1 and 2.

3. Today, the 3rd Respondent / Wife of the Petitioner has appeared before this Court. This Court has interacted with the 3rd Respondent / Wife of the Petitioner and she has stated that presently she is working as an Assistant Professor in Gurunanak College, Chennai and that she holds M.Sc Degree, M.Tech Degree, M.Phil Degree in Computer Science. Her monthly salary is Rs.21,000/- [Rupees Twenty One Thousand only]. At present, she is residing at Door No.B-3, Dream House, Durga Colony, 1st Street, Vembakkam, Chennai - 73. Her son, viz., S.Muthukumaran, Minor aged about 7 years is studying in Second Standard at Alpha International School, Vembakkam, Chennai - 73 and furthermore, her 2nd female child, Nikishi, died 20 days after birth due to brain fever in the year 2014. Further, she had stated that one year before, she left her Mother-in-Law's house at Tiruvannamalai and that the Petitioner's husband left for Muscut. Moreover, the Petitioner has filed H.M.O.P.No.39 of 2017 seeking divorce on the file of Sub Court, Thiruvannamalai and the same is pending.

4. The Petitioner / Father has seen his minor son, viz., S.Muthukumaran, aged 7 years in Court. Inasmuch as the Petitioner / Father had filed H.M.O.P.No.39 of 2017 against the 3rd Respondent seeking divorce on the file of the Learned Subordinate Judge, Tiruvannamalai and the same being pending, this Court without traversing upon the merits of the matter and also not delving deep at this stage, simpliciter directs the Petitioner to workout his remedy for custody of his minor son, viz., S.Muthukumaran or for seeking any other relief like visitation rights before the competent Court, of course, in the manner known to Law and in accordance with Law. Accordingly, the present Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

ssd

To

1. The Superintendent of Police
Superintendent Office,
Tiruvannamalai, Tiruvannamalai District

2. The Inspector of Police,
Taluk Police Station,
Tiruvannamalai

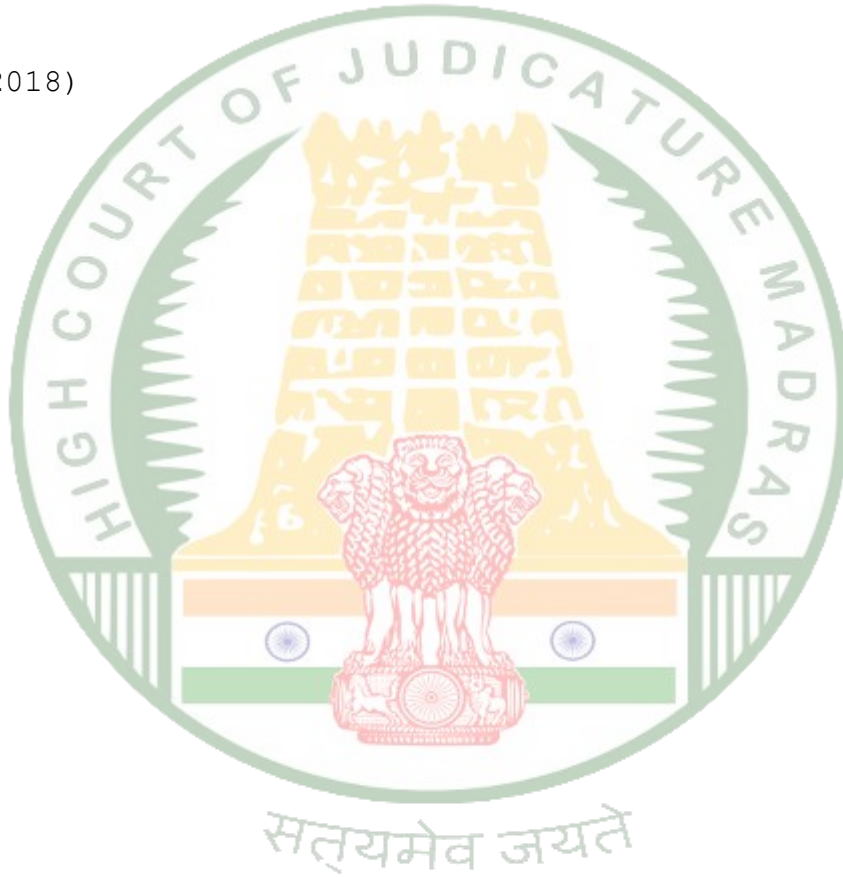
3. The Public Prosecutor,
High Court, Madras

+1cc to Mr.A.L.Perumal Samy, Advocate SR.No.36385

+1cc to Mr.B.Jawahar, Advocate SR.No.36168

H.C.P.No.911 of 2018

SKV(CO)
GN(20/06/2018)



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