



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM

and

THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P.(MD)No.356 of 2018

Soniya

... Petitioner

Vs.

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
All Women Police Station,
Thoothukudi, Thoothukudi District.
3. Maria Romilton
4. Michael Dennis

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, for issuance of writ of Habeas Corpus directing the second respondent herein to produce the body or person of the detenu by name Minor.Roshilan, S/o.Maria Romilton aged about 2 ½ years, who has been illegally detained by the 3rd and 4th respondents and produce him before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.A.Thiruvadi Kumar

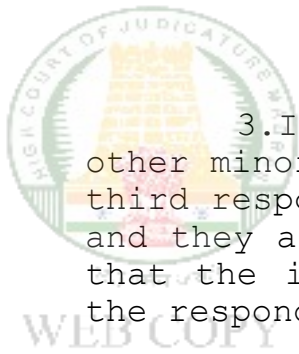
For R1 and R2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

For R3 and R4 : Mr.N.Pandivelrajan

ORDER

(Order of the Court was made by C.T.SELVAM,J.)

The Habeas Corpus Petition has been filed to direct the second respondent to produce the body or person of the detenu by name Minor.Roshilan, S/o.Maria Romilton aged about 2 ½ years, who has been illegally detained by the 3rd and 4th respondents and produce him before this Court and hand over the custody to the petitioner.



3. In the affidavit of the petitioner it is stated that three other minor male children are in the custody of her husband i.e. the third respondent and her father-in-law, the fourth respondent herein and they are being well taken care of by them. It is her contention that the infant child was forcibly taken away from her custody by the respondents 3 and 4.

4. The learned counsel for the respondents would submit that the petitioner having found missing, the third respondent has filed HCP(MD) No. 1594 of 2017, which was closed upon production of the petitioner herein and on her informing that she had left matrimonial home on her own volition. The learned counsel contends that the petitioner is leading an immoral life with the third respondent in the earlier HCP and that it was the petitioner, who had left all the children under the custody of the third respondent.

5. Considering the fact that the mediation is failed and also considering that the matter involves factual issues, it would be appropriate to close this petition directing the rival parties to work out their remedies before the appropriate Forum.

6. Accordingly, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
All Women Police Station,
Thoothukudi, Thoothukudi District.

+1CC to Mr. N. Pandivelrajan, Advocate, SR.No. 69076

+1CC to Mr. A. Thiruvadi Kumar, Advocate, SR.No. 69225

H.C.P. (MD) No. 356 of 2018
21.06.2018

RJ2

ES/RP/SAR 1/11.07.2018/2P/5C