



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2018

CORAM:

THE HONOURABLE Mr. JUSTICE R.SUBBIAH

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

H.C.P. (MD) No.1227 of 2018

Sirajudeen

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District, Madurai.

2.The Sub Inspector of Police,
K.Pudur Police Station,
Madurai District, Madurai.

3.A.Aneesminar

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus petition, directing the respondents 1 and 2 to produce the person or body of the detenu, namely, Minor Thareestheen, aged about 3 years, son of Sirajudeen, and hand over the custody to the petitioner.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.V.Neelakandan, APP for R1 and R2

For Respondent 3 : No Appearance

ORDER

(Order of the Court was made by R.SUBBIAH,J.)

The present Habeas Corpus petition has been filed to direct the respondents 1 and 2 to produce the person or body of the child, viz., Thareestheen, aged about 3 years and hand over the custody to the petitioner.

2.Though very many contentions have been raised in this petition, the crux of the matter is that the petitioner is the father of the child and the third respondent is his wife. Due to some family dispute between the petitioner and the third respondent, the said child is now with the custody of the third respondent. Hence, the petitioner has approached this Court with the prayer as

stated supra.

3. Traversing into the entire averments made in the affidavit filed in support of this Habeas Corpus petition, it reveals the fact that due to family dispute, the third respondent has gone to her parental home along with the child and now the child is with the custody of the third respondent. Custody of the child with the third respondent / mother, would not be construed as an illegal one and hence, this Court is not inclined to pass orders for handing over the custody of the child from the mother to the petitioner / father in this Habeas Corpus petition. Therefore, the Habeas Corpus petition is not maintainable. Accordingly, this Habeas Corpus petition shall stand dismissed granting liberty to the petitioner to work out his remedy before the appropriate forum in the manner known to law.

Sd
ASSISTANT REGISTRAR (CS II)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS 1)

nbj

To

1. The Superintendent of Police,
Madurai District, Madurai.

2. The Sub Inspector of Police,
K. Pudur Police Station,
Madurai District, Madurai.

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

1CC TO MR. A. SARAVANAN, ADVOCATE SR 94810

KK RSK SAR 1
28 12 2018
2P 5C

H.C.P. (MD) No. 1227 of 2018

12.11.2018