



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

H.C.P. (MD) No.1420 of 2018

R.Harisaravanan

: Petitioner

vs

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

2.The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.

3.J.Anantha Lakshmi

: Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to produce the body of the detainee viz., Srinithi, aged about 8 years, daughter of Harisaravanan, before this Court and set her at liberty.

For Petitioner : Mr.R.Manickam

For Respondents : Mr.K.Dinesh Babu

1 & 2

Additional Public Prosecutor

O R D E R

[Order of the Court was made by T.RAJA, J.]

This Writ of Habeas Corpus Petition has been filed seeking a direction to the Superintendent of Police, Sivagangai District, Sivagangai and the Inspector of Police, All Women Police Station, Manamadurai, Sivagangai District, to produce his daughter viz., Srinithi, aged 8 years before this Court and set her at liberty.

2.Mr.R.Harisaravanan, who has married the third respondent Mrs.J.Anantha Lakshmi, has been blessed with one daughter namely, Srinithi, aged about 8 years. Due to strained relationship between the petitioner and his wife, the third respondent herein, he has filed a divorce petition in H.M.O.P.No.182 of 2018 on the file of the Family Court, Sivagangai, and the same is pending at the summon stage. The petitioner has been attempting to meet his daughter, Srinithi, aged about 8 years, several times but she was not shown to the petitioner. On 25.09.2018 at about 06.00 p.m. when the petitioner came to his wife's home to see his daughter, the third respondent warned her daughter not to see the petitioner and threatened to kill her if she proceeded further. Immediately, the



petitioner has given a complaint against his wife and her parents on 26.09.2018 before the Inspector of Police, All Women Police Station, Manamadurai, the second respondent herein but so far no action is taken. In view thereof, the petitioner has come to this Court under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to produce his daughter viz., Srinithi, aged about 8 years, who is under the care and custody of the third respondent.

3. We are unable to entertain this Writ of Habeas Corpus petition as the petitioner has got matrimonial dispute, which could be seen from the pending H.M.O.P. No.182 of 2018 on the file of the Family Court, Sivagangai, hence, the petitioner has to move appropriate application only in the said petition before the same Court seeking appropriate relief, if so advised. Therefore, the petitioner cannot approach this Court. In view thereof, this Habeas Corpus Petition fails and accordingly the same is dismissed as not maintainable.

Sd/
Assistant Registrar (AD-I)

/True copy/

Sub Assistant Registrar (CS-I)

To

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SRM
KK/SV/SAR-1/13.11.2018/2P-4C