

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 29.05.2019

CORAM :

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR
and
THE HON'BLE MS.JUSTICE P.T.ASHA

H.C.P.No.1044 of 2019

J.Sharmi

Petitioner

Vs

1. The Commissioner of Police
Office of the Joint Commissioner of Police
Greater Chennai Corporation
Chennai - 600 007
 2. The Inspector of Police
Law and Order
J 13, Taramani
Chennai
 3. J.Vinoth Kumar
- Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the respondents 1 & 2 to secure the petitioner's minor daughter, Teena, 4 years old, from the illegal custody of the 3rd respondent and set her liberty and to hand over the custody of the minor child to the petitioner herein.

For Petitioner : Ms.S.Deepika

For Respondents 1 & 2 : Ms.P.Kritika Kamal
Government Advocate (Criminal Side)

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The present Habeas Corpus Petition is filed seeking a direction to the respondents 1 & 2 to secure the petitioner's minor daughter namely Teena, aged about 4 years, from the illegal custody of the 3rd respondent.

2. Ms.P.Kritika Kamal, learned Government Advocate (Criminal Side) takes notice for the respondents 1 & 2. By consent on either side, this matter has been taken up for final disposal at the admission stage itself.

3. Heard both sides and perused the materials available on record.

4. A perusal of the records reveals that the 3rd respondent is none other than the petitioner's husband and he has already obtained custody of the son before the II Additional Principal Judge, Family Court, Chennai. Now, the Habeas Corpus Petition is filed to produce the another child said to have been kidnapped by him.

5. Since, the entire issue relates to the matrimonial matter and there is no illegal custody, the Habeas Corpus Petition cannot be maintained. The petitioner is at liberty to move before the Family Court for appropriate orders.

6. In view of the same, the Habeas Corpus Petition is dismissed.

Sd/-

Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

vrn/sri

To

1. The Commissioner of Police
Office of the Joint Commissioner of Police
Greater Chennai Corporation
Chennai - 600 007

2. The Inspector of Police
Law and Order
J 13, Taramani
Chennai

3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.S.Deepika, Advocate, S.R.No.44346

H.C.P.No.1044 of 2019

EV(CO)
SSM(18/06/2019)