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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2486 of 2019

Rafeena Mohamed

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvavarur District.

2. The Inspector of Police,
Muthupettai Police Station,
Thiruvavarur District.

3. Sulthanul Ariffin

4. Abdul Salam

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to direct the first and second respondents to produce the person or body of the petitioner's children, namely Rahman Khan and Rania Shareen, aged about 2 years 10 months before this Court and hand over to the petitioner.

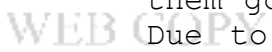
For petitioner : Mr.D.S.Haroon Rasheed

For respondents: Mr.R.Prathap Kumar,
Addl.P.P. for RR-1 & 2
Mr.N.Moorthi for R-4

ORDER

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

This Habeas Corpus Petition is filed praying for issuance of a Writ of Habeas Corpus to direct the first and second respondents to produce the person or body of the petitioner's children, namely Rahman Khan and Rania Shareen, aged about 2



2. The third respondent is the petitioner's husband. Both of them got married on 07.01.2016 as per Islamic rites and customs. Due to their wedlock, they had two children as twins, by name Rahman Khan and Rania Shareen. There was misunderstanding between the petitioner and the third respondent and the third respondent has always been harassing her for transferring property in his name. While situation stood thus, on 28.04.2019, the third respondent took the petitioner as well as the children to Singapore and there also, she got mental agony by the act of the third respondent.

4. When the Habeas Corpus Petition is taken up for consideration, the petitioner appeared before this Court. We have enquired her and she has stated that the children were taken by her husband to Singapore by making false statement, and thereafter, he has cancelled her Visa and thus, now the children are in illegal custody with the third respondent.

<https://hcservices.ecourts.gov.in/hcservices/>



6. The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, filed status report and submitted that it is purely matrimonial dispute between the parties. Thus, he sought for dismissing the Habeas Corpus Petition.

7. We have perused the status report. We are of the view that it is matrimonial dispute between the parties and hence, filing this Habeas Corpus Petition is not the remedy for the petitioner. Hence, the Habeas Corpus Petition is closed, with liberty to the petitioner to work out her remedy before appropriate form by initiating appropriate legal proceedings regarding the custody of the children.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvavarur District.
2. The Inspector of Police,
Muthupettai Police Station,
Thiruvavarur District.
3. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.D.S.Haroon Raseed, Advocate Sr.104242

H.C.P.No.2486 of 2019

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srg 29/01/2020