



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

H.C.P.(MD)No.735 of 2019

Sathiskumar

...Petitioner / Husband &
Father of the Detenue

Vs.

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

2. The Inspector of Police,
Vadipatti Police Station,
Madurai District.

3. Radhakrishnan

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the petitioner's wife namely Priya, aged about 37 years and petitioner's daughter namely Dhaanya aged about 13 years and petitioner's son namely Logappriyan aged about 10 years and hand over them to the petitioner.

For Petitioner	: Mr.D.Balamurugapandi
For RR 1 & 2	: Mr.K.Dinesh Babu, Additional Public Prosecutor
For R3	: Mr.R.J.Karthick

O R D E R

S.VAIDYANATHAN, J.

and

N.ANAND VENKATESH, J.

On carefully going through the materials placed on record and after hearing the learned counsel appearing on either side, this Court is convinced that there is a matrimonial dispute between the petitioner and the detenue, who is the wife of the petitioner. The detenue is having the custody of both the children and she has also given a complaint against the petitioner before the Thiruvannamalai Taluk Police Station.



2. The issue that is sought to be projected in this Habeas Corpus Petition is with regard to the custody of children and the same cannot be decided in a Habeas Corpus Petition and the petitioner has to necessarily work out his remedy before the competent Court in accordance with law.

3. This Court is not willing to entertain this Habeas Corpus Petition and therefore, the Habeas Corpus Petition is closed by giving liberty to the petitioner to work out his remedy in accordance with law.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Madurai District,
Madurai.
2. The Inspector of Police,
Vadipatti Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.J.KARTHICK, Advocate SR-86249.

Order made in
H.C.P. (MD) No.735 of 2019

Dated:
10.09.2019

CS(01.10.2019) 2P 5C