



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2019

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

H.C.P (MD)No.1043 of 2019

D.George Sunil Kumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

3.Jeba Celina Mary

4.Lindo Joseph

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Habeas Corpus to direct the respondents 1 and 2 herein to secure the detenu, namely, G.Amlo Nash, son of D.George Sunil Kumar, aged 2 years and produce the body of the detenu before this Court and hand over the detenu to the petitioner.

For Petitioner : Mr.R.J.Karthick

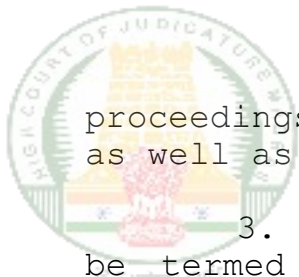
For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor for R.1 & R.2

ORDER

This Habeas Corpus Petition has been filed by the father of the detenu on the ground that the third respondent who is the mother of the detenu has forcibly taken the child and the child is in the custody of the third respondent.

2. The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, submitted that the respondent police have already taken a statement from the father of the third respondent and it was ascertained that the child is now with the third respondent and the third respondent has already initiated



proceedings against the petitioner for maintenance both for herself as well as for the child.

3. The custody of the child with the third respondent cannot be termed to be an illegal custody and the matrimonial dispute including the custody of the child will have to be adjudicated before the appropriate Court and this Court cannot exercise its jurisdiction by issuing a writ of Habeas Corpus.

4. In the result, this Habeas Corpus Petition is dismissed and it is left open to the petitioner to work out the remedy before the appropriate forum in accordance with law.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

rsb

To

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

2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

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

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-97167[F] dated 08/11/2019)

H.C.P(MD)No.1043 of 2019

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JMN(19.11.2019) 2P : 5C