



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **10.12.2019**
CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA
AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD)No.1304 of 2019

Leen Joseph, S/o.Alangamani

... Petitioner

Vs.

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

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

3.Shyni, D/o.Kunjupillai

4.C.Bright

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detainee Nimeesha L. Shinto, D/o.Leen Joseph, aged about 15 years before this Court and hand over her to the petitioner.

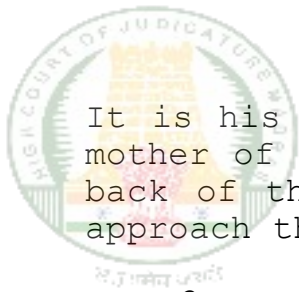
For Petitioner	: Mr.T.Jeen Joseph
For R1 and R2	: Mr.K.Dinesh Babu
	Additional Public Prosecutor

O R D E R

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

The petitioner, father of the detainee viz., Nimeesha L. Shinto, has come to this Court, seeking a direction to the respondents 1 and 2 to produce the person or body of the detainee, aged about 15 years, before this Court and hand over her to him.

2.Learned counsel appearing for the petitioner submitted that the marriage between the petitioner and the third respondent took place on 05.12.2002 and a female child viz., Nimeesha L. Shinto was born on 07.03.2004 in the said wedlock and thereafter, due to difference of opinion, they were separated by a decree of divorce.



It is his further submission that the third respondent, who is the mother of the detinue, has taken away the minor daughter behind the back of the petitioner, hence, the petitioner has been advised to approach this Court for the relief stated supra.

3.Learned Additional Public Prosecutor appearing for the respondents 1 and 2 objecting the prayer on the maintainability of the Habeas Corpus Petition, submitted that the prayer in the Habeas Corpus Petition cannot be entertained by this Court, since already G.W.O.P.No.403 of 2014 has been filed by the petitioner seeking custody of the detinue, viz., Nimeesha L. Shinto before the Principal District Court, Kanyakumari District at Nagercoil, therefore, he prayed for dismissal of the Habeas Corpus Petition.

4.We have heard the learned counsel appearing for the parties and perused the materials available on record.

5.On a perusal of the records, we are of the considered view that in respect of custody of the detinue, viz., Nimeesha L. Shinto, G.W.O.P.No.403 of 2014 filed by the petitioner is pending before the Principal District Court, Kanyakumari District at Nagercoil. The petitioner has also admitted the same in Paragraph 3 of the affidavit filed by him in support of the Habeas Corpus Petition. Therefore, this Court is unable to entertain this Habeas Corpus Petition, as parallel proceedings are not permissible under Article 226 of the Constitution of India. Hence, this Habeas Corpus Petition is dismissed with liberty to the parties to work out their remedy before the appropriate forum in the manner known to law.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar(CS)

smn2

To

1. The Principal District Court,
Kanyakumari at Nagercoil
2. The Superintendent of Police,
Kanyakumari District at Nagercoil.
3. The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

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



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

**H.C.P. (MD)No.1304 of 2019
10.12.2019**

WEB COPY
MK (06.01.2020) 3P 5C