

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP No.76 of 2019

Date of Decision: January 22, 2019

Ripu Daman

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ravi Chadda, Advocate
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition against State of Punjab and other respondents under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for issuance of appropriate directions to respondents No.2 and 3 to get released the detenue namely Matang Mahajan from forcible confinement of respondent No.4.

I have heard learned counsel for the petitioner and have gone through the record.

From the perusal of the record, I find that the detenue Matang Mahajan is minor child and is in the custody of his mother-respondent No.4 prior to the year 2015. The petitioner is father of the detenue and has filed this habeas corpus petition for the custody of the detenue.

On perusal of the record and after hearing learned counsel for

the petitioner, I find that there is matrimonial dispute and also dispute

regarding custody of the minor child. For this purpose, a special remedy has been provided and the petitioner is to avail that remedy by filing appropriate application/petition before the Guardian Judge, who will record the evidence of the parties and then will determine regarding welfare of the child and to whom the custody of the child should be given.

The present petition in the facts and circumstances, specially the fact that detenue-minor child is with respondent No.4 for the last more than three years, is not maintainable.

Therefore, the present petition being not maintainable, stands dismissed.

January 22, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No