



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD)No.60 of 2020

B.Subathra Devi : Petitioner

Vs.

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

2.The Inspector of Police,
Thiruvudaimaruthur Police Station,
Thanjavur District

3.D.Ananth : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents to produce the body of Hinduja, aged 12 years, daughter of the petitioner and to set her at liberty.

For Petitioner : Mr.R.Krishnan

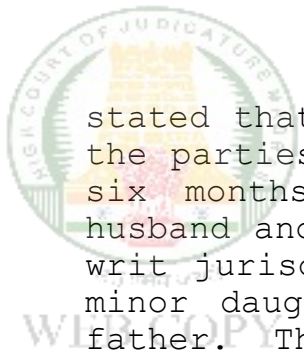
For Respondents : Mr.K.Dinesh Babu for R1 & R2
Additional Public Prosecutor

ORDER

(Order of the Court was made by T.RAJA., J)

This Habeas Corpus Petition has been filed by the petitioner/wife for production of her daughter/detenué, namely, Hinduja, aged 12 years, alleging that the third respondent/husband has forcibly taken her daughter and he is also taking steps to admit her in a School at Chennai. Therefore, a complaint came to be lodged before the respondent police. Since no effective action has been taken, the petitioner is before this Court with this petition.

2.The direction as has been sought for by the petitioner cannot be issued in a petition filed under Article 226 of the Constitution of India. The reason being, the learned counsel for the petitioner



stated that there is not even a matrimonial dispute pending between the parties, although they have been living separately for the past six months. Only due to the strained relationship between the husband and wife, the mother cannot come to this Court invoking the writ jurisdiction for issuance of a Habeas Corpus for securing her minor daughter aged 12 years, who has been staying with her own father. Therefore, finding no merits, the Habeas Corpus Petition is dismissed. It is open to the petitioner to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

To

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

+1 CC to M/s.R.KRISHNAN, Advocate (SR-3016[F] dated 24/01/2020)

Order made in
H.C.P. (MD)No.60 of 2020
Dated: 22.01.2020

JMN(12.02.2020) 2P : 5C