



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **06.01.2020**
CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA
AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD)No.1307 of 2019

S.Sivaramakrishnan : Petitioner
Vs

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

2.The Inspector of Police,
Pavurchatram Police Station,
Tenkasi District.

3. Pon Divya
4. Ravichandran : Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents No. 1 and 2 herein to secure the detainee namely S.Rohith, S/o.S.Sivaramakrishnan, aged 7 years and produce the body of the detainee before this Court and hand over the detainee to the petitioner.

For Petitioner : Mr.R.J.Karthick
For Respondents : Mr.K.Dinesh Babu for RR-1 and 2
No appearance for RR-3 and 4

O R D E R

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

This Habeas Corpus Petition filed by one Mr.S.Sivaramakrishnan/ father to secure his son namely S.Rohith, aged 7 years to produce before this Court.

2.On a perusal of records, this Court is of the view that this petition has been unnecessarily filed when the parties have already moved the trial court by way of filing H.M.O.P.No.265 of 2018 on the file of the Sub-Court, Tambaram for dissolution of marriage, taking a ground that the petitioner's wife eloped with the fourth respondent along with the child.



3. Learned counsel appearing for the petitioner himself pleaded that even after elopement of the third respondent/petitioner's wife with the fourth respondent, the petitioner would not have moved this Court with this habeas corpus petition for production of his son, aged about 7 years.

4. Learned counsel appearing for the third respondent has contended that the third respondent has never eloped with any one.

5. This issue has to be dealt with only by the trial court, where the H.M.O.P is pending. Since the H.M.O.P.No.265 of 2018 is pending on the file of the Sub-Court, Tambaram for dissolution of marriage, this Court is not inclined to entertain this petition.

6. Accordingly, this petition fails and the same is dismissed. However, the parties are at liberty to work out their remedy before the competent court.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

Vs

To

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

2.The Inspector of Police,
Pavurchatram Police Station,
Tenkasi District.

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

+1 CC to Mr.R.J.KARTHIK, Advocate (SR-706[F] dated 08/01/2020)

Order made in

H.C.P. (MD)No.1307 of 2019

Dated:- 06.01.2020

MK (03.02.2020) 2P 5C