

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No.91 of 2021

Sabir

.. Petitioner

Vs.

1.The Superintendent of Police,
Villupuram District.

2.State represented by
The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.

3.Mugamatha

4.Musthak

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing first and second respondents to produce the petitioner's minor daughter viz., Shaifana, D/o.Sabir, aged 4 ½ years, before this Court and handover her custody to the petitioner.

For Petitioner : Mr.P.Sathya

For RR 1 and 2 : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the first and second respondents to produce the petitioner's minor daughter viz., Shaifana, D/o.Sabir, aged 4 ½ years, before this Court and handover her custody to the petitioner.

2. It is the case of the petitioner that he is employed in Saudi Arabia and his daughter Shaifana, aged about 4 ½ years,

is in the illegal custody of his wife Mugamatha, third respondent herein.

3. In the opinion of this Court, the custody of a child with its mother cannot be said to be illegal per se.

Hence, this habeas corpus petition is closed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Superintendent of Police,
Villupuram District.

2.The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.P.Sathya Murthy, Advocate, S.R.No.4379

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UM(CO)
GN(19/02/2021)

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