

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.605 of 2021

Javid Kaleem Mohammad

.. Petitioner

Vs.

1.The Commissioner of Police,
No.132, Commissioner of Office Building,
EVK Sampath Road,
Vepery, Periyamet,
Chennai - 600 007.

2.The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.

3.Umme Salma

4.Hajira Nasreen

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the respondents herein to produce the body of the minor detenus viz., Ammar Javid Mohammad, aged about 6 years and Musab Javid Mohammad, aged about 2 years, before this Court and hand over to the petitioner.

For Petitioner : Mr. Sunder Mohan

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

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ORDER

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

This habeas corpus petition has been filed seeking to direct the respondents herein to produce the body of the minor detenus viz., Ammar Javid Mohammad, aged about 6 years and Musab Javid Mohammad, aged about 2 years, before this Court and hand over to the petitioner.

2. It is the case of the petitioner that his wife, third respondent herein, is not permitting him to even visit his two children viz., Ammar Javid Mohammad, aged about 6 years and Musab Javid Mohammad, aged about 2 years and that they are now residing with his mother-in-law.

3. In the opinion of this Court, it cannot be stated that the retention of the children by their mother is illegal custody for the issuance of a writ of habeas corpus. It is always open to the petitioner to approach the appropriate Court to seek interim visitation apart from seeking guardianship and custody.

With the above observations, this habeas corpus petition stands closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

nsd

To

1. The Commissioner of Police,
No.132, Commissioner of Office Building,
EVK Sampath Road,
Vepery, Periyamet,
Chennai - 600 007.

2. The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.

3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

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SVI (CO)
SP(19/05/2021)