

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

Coram

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

H.C.P. No.2595 of 2020

H.Md.Abdul Rahman

.. Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai.

2.The Inspector of Police,
G-7, Chetpet Police Station,
Chennai.

3.A.Zareena

4.A.Zakir Hussian

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the first respondent police to produce the body or person of the petitioner's sons detainees minor Ahamed Basha (M), aged 11 years and minor Imran Basha (M), aged 7 years, before this Court from the custody of the 2nd and 3rd respondents and hand over to the petitioner.

For Petitioner : Mr.A.Aravindan
For RR 1 & 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 respondent police to produce the body or person of the petitioner's sons detainees minor Ahamed Basha (M), aged 11 years and minor Imran Basha (M), aged 7 years, before this Court

from the custody of the 2nd and 3rd respondents and hand over to the petitioner.

2. It is seen that the dispute is essentially between the spouses with regard to the custody of their children. Under such circumstances, a writ of habeas corpus cannot be issued as the custody of the children with the mother cannot be per se said to be illegal.

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 Commissioner of Police,
Greater Chennai,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai.

2.The Inspector of Police,
G-7, Chetpet Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Arulselvam, Advocate, sr no.846

सत्यमेव जयते

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CP (CO)

RMP (29/01/2021)

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