



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1644 of 2021

Kadhar Mydeen

... Petitioner

-vs-

1.The Superintendent of Police
Tenkasi District

2.The Inspector of Police
Atchampudur Police Station
Tenkasi District

3.Sumaiya @ Hemalatha

4.Satham Mydeen

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce a person or body of the petitioner's grandson namely the detainee by name Kadhar Mydeen, son of K.Satham Hussain (Minor aged 4 years) before this Court and handover the detainee to the petitioner's custody.

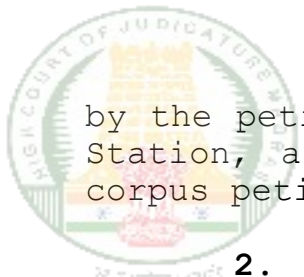
For Petitioner : Mr.Anand.R.

For Respondents : Mr.S.Ravi
Additional Public Prosecutor for R1 & R2
No appearance for R3 & R4

O R D E R

S.VAIDYANATHAN, J.
and
DR.G.JAYACHANDRAN, J.

This habeas corpus petition is filed by the grandfather of a four years old minor boy alleging that the third respondent Sumaiya @ Hemalatha, daughter-in-law of the petitioner, is having illegal intimacy with the fourth respondent and therefore, the custody of the child should be given to him. Referring to the complaint given



by the petitioner to the Sub Inspector of Police, Achanpudur Police Station, alleging infidelity of the third respondent, this habeas corpus petition is filed.

2. The second respondent Police has brought the third respondent along with the minor child and produced before this Court.

3. This Court enquired the third respondent. The third respondent says that she is not aware of anybody by name Satham Mydeen, who is shown as fourth respondent in this habeas corpus petition. The minor boy is with her and her husband is working in Qatar. Just to defame her, the complaint has been given by her father-in-law with an ulterior intention to remove the custody of the minor child from her.

4. This Court is not inclined to venture further in this matter, since it is satisfied that the minor boy is safe and under the custody of his mother.

5. It is obvious to note that the petitioner, instead of approaching the appropriate Court, had tried to file a petition under Article 226 of the Constitution of India seeking writ of habeas corpus. This Court was inclined to impose heavy cost on the petitioner for abusing the process of this Court. However, at the request of the learned counsel for the petitioner, the habeas corpus petition is dismissed without costs advising the petitioner to work out his remedy before the appropriate Court in the manner known to law.

6. Accordingly, the habeas corpus petition is dismissed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Krk

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To:

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

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MGJ(02.12.2021) 3P 4C