



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2021

CORAM:

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

H.C.P. (MD) No.1680 of 2021

S.Ramesh

... Petitioner /
Father of the Detenu

Vs.

1.The Superintendent of Police,
District Police Office, Thanjavur,
Thanjavur District-613 001.

2.The Sub-Inspector of Police,
Thogur Police Station,
Thanjavur District,
Kallanai-Thiruvaiyaru Road,
Thanjavur-613 105.

3.The Foreigners Regional Registration Officer(FRRO),
Bureau of Immigration, Ministry of Home Affairs,
Shastri Bhawan Annexe Building,
No.26, Haddows Road,
Nungambakkam,
Chennai- 613 007.

4.B.Anuradha

5.B.Senthilkumar

6.B.Mohan Kumar

7.B.Mala

... Respondents



PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents 1, 2 and 3 to secure and produce the body or person of the petitioner's minor daughter by name R.Dharznah, D/o.S.Ramesh, aged about 11 years, before this Court and hand over her back to the petitioner for custody and care.

For Petitioner : Mr.J.Sanjay Vignesh
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.

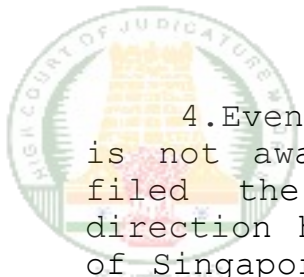
And

DR.G.JAYACHANDRAN, J.

This Habeas Corpus Petition is filed by the father alleging that her minor daughter, Dharznah is in illegal custody of the fourth respondent, who has breached the order of the Subordinate Court of the Republic of Singapore, dated 15.02.2013 and the whereabouts of the minor child is not known. The affidavit which narrates about the proceedings regarding the dispute between the spouses, namely, the petitioner and the fourth respondent seized by the Singapore Court, where the minor child was born, does not disclose the entire facts, and with a truncated information as if the minor girl's whereabouts not known, the present Habeas Corpus Petition is filed.

2.The learned Additional Public Prosecutor has received information through the enquiry conducted by the respondent police that the petitioner herein has preferred appeal against the order passed by the Subordinate Court of Singapore and that appeal was dismissed and the child was ordered to be brought back to Singapore as ordered by the Family Court, dated 15.02.2013 and the child was permitted to stay with the fourth respondent in Singapore with reasonable access to the plaintiff, by order, dated 08.07.2013, by the High Court of Republic of Singapore. The learned Additional Public Prosecutor produced a copy of the order dated 08.07.2013 before this Court.

3.This Court perused the order passed by the High Court of the Republic of Singapore, dated 08.07.2013, which has been suppressed by the petitioner and thus the jurisdiction of Article 226 of the Constitution of India has been abused by the petitioner.



4. Even assuming for the sake of argument, though the petitioner is not aware of the order, dated 08.07.2013, the petitioner has filed the earlier order, dated 15.02.2013, wherein specific direction has been issued by the Subordinate Court of the Republic of Singapore that the child shall not be taken out of Singapore by the petitioner herein. That being the case, the contention of the petitioner that the child is missing is incorrect.

5. For the reason of suppression of facts as well as the order passed by the High Court of the Republic of Singapore, in which the petitioner herein is a party, this Habeas Corpus Petition is dismissed with cost of Rs.50,000/- (Rupees Fifty thousand only) payable by the petitioner to the Legal Services Authority attached to the Madurai Bench of Madras High Court, Madurai, within a period of four weeks from the date on which the order copy is made ready. The dismissal of this Habeas Corpus Petition will not stand in the way of the petitioner herein to work out his remedy as per law.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

PJL

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,
District Police Office, Thanjavur,
Thanjavur District-613 001.

2. The Sub-Inspector of Police,
Thogur Police Station,
Thanjavur District.

3. The Foreigners Regional Registration Officer (FRRO),
Bureau of Immigration, Ministry of Home Affairs,
Shastri Bhawan Annexe Building,
No.26, Haddows Road,
Nungambakkam,
Chennai- 600 006.



4.The Officer in Charge,
Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.

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

**H.C.P. (MD) No.1680 of 2021
12.11.2021**

MGJ(30.11.2021) 4P 6C