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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

H.C.P.NO.589 OF 2022

Syed Rafeeq Ahmed

... Petitioner

.Vs.

1. The Commissioner of Police,
Commissioner Office,
Vepery, Chennai.
2. The Inspector of Police,
W-18, All Women Police Station,
M.K.B. Nagar, Vyasarpadi,
Chennai - 600 039.
3. Chandini

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent to produce the body or person of the petitioner's minor son Sohail Ahmed, aged about 4 years, before this Court and hand over him to the petitioner.

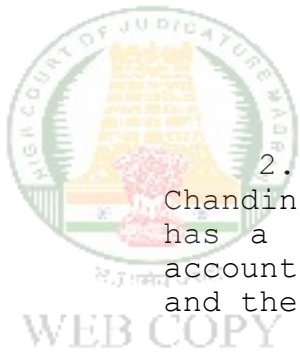
For Petitioner : Mr.A.B.Fathima Sulthana

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

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking a direction to the 2nd respondent to produce the body or person of the petitioner's minor son Sohail Ahmed, aged about 4 years, before this Court and hand over him to the petitioner.



2. It is the case of the petitioner that he got married to Chandini, third respondent herein and through the wedlock, he has a child Sohail Ahmed, who is now aged about 4 years; on account of marital discord, he has got separated from Chandini and the child is with her.

3. Admittedly, the petitioner has filed a petition in O.P.No.3446 of 2021 under the Guardians and Wards Act, 1890 and the same is pending on the file of the VI Additional Family Court, Chennai.

4. It is the grievance of the petitioner that Chandini is frequently going to Dubai leaving the child with the neighbours. On these allegations, the present habeas corpus petition has been filed.

5. Today, P.Mohana (Mobile No.94981 27688), Woman Head Constable, W-18, All Women Police Station, Chennai, is present.

6. In our considered opinion, the custody of the child with Chandini, viz., mother, cannot be said to be illegal for the issuance of a writ of habeas corpus. That apart, when a petition under the Act, ibid. in O.P.No.3446 of 2021 is pending, it would not be appropriate for this Court to exercise jurisdiction in this matter.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Commissioner of Police,
Commissioner Office,
Vepery, Chennai.



2. The Inspector of Police,
W-18, All Women Police Station,
M.K.B. Nagar, Vyasarpadi,
Chennai - 600 039.

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3. The Public Prosecutor,
High Court, Madras.

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MT (CO)
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