



WEB COPY



W.P.No.26578 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26578 of 2022

Rafeena Mohammed

...Petitioner

-Vs-

1. The Joint Secretary,
O/o. Ministry of External Affairs,
68, College Road,
E.V.K.Sampath Maaligai,
7th Floor, Nungambakkam,
Chennai, TamilNadu.
2. The District Superintendent of Police,
Tiruvarur District.
3. The Inspector of Police,
Muthupettai Police Station,
Muthupettai Taluk, Tiruvarur District.
4. Sulthanul Ariffin.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to take appropriate steps to order magistrate enquiry contemplated section 5 of the Extradition Act, 1962 in order to bring the 4th respondent to our country.



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For Petitioner : Mr.P.Vijendran
For Respondents 2 & 3 : Mr.A.Gopinath,
Govt., Advocate (Crl.Side)

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to take appropriate steps to order magistrate enquiry as contemplated under section 5 of the Extradition Act, 1962 in order to bring the 4th respondent to our country.

2. It is seen that this petitioner got married on 07.01.2016 and gave birth of twin children, one is male and another one is female child. Due to misunderstanding between this petitioner and the 4th respondent, they got separated. Thereafter, the petitioner handed over the children to 4th respondent. Based on the request of the 4th respondent, children were sent by the petitioner and handed over for custody to the 4th respondent. However, without informing to the petitioner, children were brought by the 4th respondent and gone to Singapore. In fact, the petitioner also filed



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HCP.No.2486 of 2019 before this court. This court by order dated

13.12.2019 dismissed the said Habeas Corpus Petition and also directed the petitioner to workout her remedy before appropriate forum by initiating appropriate legal proceedings regarding the custody of children. Therefore, after failing before this Hon'ble Court by way of Habeas Corpus Petition, once again this petition has been filed for the above said relief.

3. Therefore, direction sought for in this writ petition cannot be considered. This court finds no merits in this writ petition. Hence, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs.

29.11.2023

Index : Yes/No
Internet: Yes/No
gvn



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Chennai, TamilNadu.
2. The District Superintendent of Police,
Tiruvarur District.
3. The Inspector of Police,
Muthupettai Police Station,
Muthupettai Taluk, Tiruvarur District.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN,J.
gvn

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