



WEB COPY



H.C.P.No.125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.125 of 2024

Elaiyaraja

... Petitioner

Vs.

1.The Commissioner of Police

Office of the Tambaram Police Commissioner

No.42/1, Medavakkam Main Road,

Sholinganallur, Chennai 600 119.

2. The Inspector of Police,

T-3 Pallavaram Police Station,

Pallavaram, Chennai

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Habeas Corpus, directing the respondents herein to produce the body of the petitioner's wife Bhavani and his female minor children, namely (1) Shakshi (aged about 4 years) and (2) Saivarsha (10 months old) before this Hon'ble Court and set them at liberty.



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For petitioner : Mr. M. Palanivel
For Respondents : Mr.E. Raj Thilak
Additional Public Prosecutor
Assisted by Mr.Aravind C.

ORDER

(Order of the Court was delivered by **M.S.RAMESH, J.**)

In the present Habeas Corpus Petition, the husband of one Bhavani, seeks for production of his two minor children before this Court.

2. When the Habeas Corpus Petitions was listed on 16.02.2024, the petitioner's wife and her two children were present before us. When we had interacted with the petitioner's wife, she had categorically stated that she does not intend to live with her husband and that she has the custody of her two children with whom she is living.

3. The dispute between the parties seems to be a matrimonial dispute, which is based on disputed facts, and this court, exercising its power under Article 226 of the Constitution of India, will not venture to adjudicate such disputed facts. When the petitioner's children are in the care and protection



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of her mother, the custody cannot be termed as illegal. However, if the petitioner is of the view that he is entitled to the custody, liberty is hereby granted to him to approach the proper court of law.

4. Accordingly, the Habeas Corpus Petition stands closed.

[M.S.R., J] [S.M., J]
28.02.2024

bga

Index : Yes / No

Neutral Citation : Yes / No

To

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