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HCP.No.258 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

H.C.P.No.258 of 2024

Jeffy C Nelson

.. Petitioner

Vs.

1.The Commissioner of Police,
Tambaram, Chennai.

2.State Rep. by
The Inspector of Police,
Vadavalli Police Station,
Vadavalli,
Coimbatore-641041

3.Shiny Philip

.. 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 the petitioner's minor child, namely, Leandra Rae, aged about 2 years, before this Court from the custody of the third respondent and handover to



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the petitioner.

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For Petitioner : Mr.K.Lakshmi Priya

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by
Mr.C.Aravind
for R1 and R2

Mr.R.Shanmugam for R3

ORDER

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

The third respondent herein is the wife of the petitioner. The girl child born to them is in the care and custody of the third respondent herein. Owing to certain matrimonial dispute, the third respondent herein had filed a petition before the family Court, Coimbatore under Section 10 (1) x of the Indian Divorce Act, 1869, seeking for dissolution of their marriage, which is said to be pending. In this background, the present Habeas Corpus Petition is filed, seeking custody of the petitioner's minor daughter.



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2. Heard the learned counsel on either side and perused the documents.

3. We are unable to comprehend as to how a child who is in the care and custody of her mother can be termed to be an illegal detention. If at all the petitioner seeks for custody or visitation rights of his child, it is always open to him to approach the family Court concerned, seeking for such relief, and this Court, in exercise of Article 226 of the Constitution of India, will not venture into adjudicating custodial rights.

4. Accordingly, this Habeas Corpus Petition stands closed.

(M.S.R.,J.) (S.M.,J.)
13.02.2024

NCC : Yes / No
Index : Yes / No
Anu



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M.S.RAMESH,J.
and
SUNDER MOHAN,J.

Anu

To

1.The Commissioner of Police,
Tambaram, Chennai.

2.The Inspector of Police,
Vadavalli Police Station,
Vadavalli,
Coimbatore-641041

3.The Additional Public Prosecutor,
Madras High Court

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