



WEB COPY



HCP.No.2006 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

H.C.P.No.2006 of 2024

A.R.Khaleel Rahmaan

... Petitioner

Vs.

1. The Commissioner of Police,
Chennai City,
Chennai.

2. The Inspector of Police,
Pallikaranai Police Station,
Chennai.

3. Bahaduri

... 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 petitioner's minor sons K.R.Shaheen Rahman, aged 11 years and K.R.Adheen Rahman, aged 7 years from the illegal custody of 3rd respondent and handover their custody to the petitioner.



For Petitioner : Mr.A.Mohamed Ismail
For R1 & R2 : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

The habeas corpus petition on hand has been instituted seeking a direction to the second respondent/Inspector of Police, Pallikaranai Police Station to produce the petitioner's minor sons K.R.Shaheen Rahman, aged 14 years and K.R.Adheen Rahman, aged 7 years from the illegal custody of the 3rd respondent and handover their custody to the petitioner.

2. Admittedly, matrimonial dispute existed between the petitioner and the third respondent.

3. Mr.E.Raj Thilak, the learned Additional Public Prosecutor with the assistance of the Inspector of Police, Pallikaranai Police Station produced the third respondent along with the two minor sons.



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4. We have examined two minor children. The elder son of the petitioner in clear terms stated that both himself and his younger brother are willing to live with their mother/third respondent. When the elder son of the petitioner unhesitatingly informed before this Court that both himself and his younger brother have decided to live along with the mother, it is for the petitioner to resolve the other matrimonial issues in the manner known to law. However, the minor children are not in an illegal detention. Therefore, the Habeas Corpus Petition is not entertainable and consequently, stands **dismissed**.

[S.M.S., J.] [R.S.V., J.]
19.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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To

1. The Commissioner of Police,
Chennai City,
Chennai.
2. The Inspector of Police,
Pallikaranai Police Station,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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S.M.SUBRAMANIAM, J.
AND
R.SAKTHIVEL, J.

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