



WEB COPY



HCP.No.1978 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.1978 of 2024

Devika

... Petitioner

Vs.

1. The Commissioner of Polcie,
Greater Chennai,
Vepery,
Chennai – 600 007.
2. The State represented by,
The Inspector of Police,
M-1 Madhavaram Police Station,
Chennai – 600 060.
3. Mugunthan
4. Moulika
5. Keerthika

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the first and second respondents herein to secure the petitioner's minor child namely Santosh Theo (aged 4 years) from the illegal custody of the third to fifth respondents and produce before this Court and hand over the custody of the petitioner.

For Petitioner	: Mr.E.Viswanathan
For Respondents	: Mr.E.Raj Thilak
	Additional Public Prosecutor

ORDER

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

The habeas corpus petition has been filed to direct the respondents 1 and 2 to secure the petitioner's minor child namely Santosh Theo, aged 4 years from the illegal custody of the respondents 3 to 5.

2. Mr.E.Raj Thilak, the learned Additional Public Prosecutor would submit that the child is not in an illegal custody and the child is living with his father. Further, it is informed that the matrimonial dispute between the petitioner and her husband exist.



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3. The father viz., Mr.Srinath Kumar along with his child present before this Court. Since the child viz., Santosh Theo is with his father viz., Mr.Srinath Kumar, the parties are at liberty to resolve the matrimonial dispute before the appropriate forum. Consequently, the habeas corpus petition stands dismissed.

[S.M.S., J.]

[V.S.G., J.]

13.08.2024

veda

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



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To

1. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai – 600 007.
2. The State represented by,
The Inspector of Police,
M-1 Madhavaram Police Station,
Chennai – 600 060.
3. The Additional Public Prosecutor,
Madras High Court.



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