



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1097 of 2026

R.Sivasankar
S/o. Late. Radhakrishnan,
No.95, Padmini Street,
M G Nagar Part-I, Urapakkam,
Kanchipuram District-603210.

..Petitioner(s)

Vs

1. The Commissioner of Police
Greater Chennai City Police,
Vepery, Chennai, Tamil Nadu-600 007.
2. The Inspector of Police
T-21, Kilambakkam Police Station,
Peerankaranai,
TamilNadu 600 048.
3. The Commissioner of Police
Office of the Commissioner of Police,
Infantry Road, Bengaluru,
Karnataka 560 001.
4. V. Chandran
T. Devanur Post, Pudunagar,
Vettavalam Main Road,
Kandachipuram Taluk,
Villupuram District- 605 752.
5. C. Manimegalai
W/o. V. Chandran,



T. Devanur Post, Pudunagar,
Vettavalam Main Road,
Kandachipuram Taluk,
Villupuram District - 605 752.

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..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ in the nature of Habeas Corpus, commanding the respondents to produce the Minor child, Koshikashri S., D/o. R. Sivasankar, aged about 1.5 years before this Honorable Court, the custody of the minor child, Koshikashri S., be forthwith handed over to the petitioner, her natural father and legal guardian.

For Petitioner(s): Ms.T.Renu

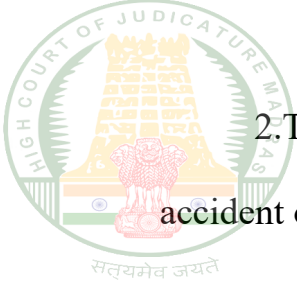
For Respondent(s): Mr. C.R. Malarvannan,
Counsel for Government of Tamil Nadu
(Crl. Side) for R1 to R3

Mr.N.Umapathi
for R4 & R5

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

This Habeas Corpus Petition is filed by the father of Koshikashri S., aged about 1 1/2 years (detenu/child). Koshikashri is present in Court. She is presently staying with her grand parents / R4 and R5.



2.The wife of the petitioner, mother of Koshikashri, passed away in a car accident on 20.07.2025.

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3.We have heard Ms.T.Renu for petitioner, Mr. C.R. Malarvannan, Government Counsel for official respondents / R1 to R3 and Mr.N.Umapathi, for private respondents / R4 & R5.

4.There appear to be certain issues concerning the division of properties of the late mother of the detenu with which we will not concern ourselves in this petition, leaving the parties to sort out those issues before the appropriate Court.

5.As far as the child is concerned, she has been with her grand parents ever since the demise of the mother that is, almost for the entire span of her life. We hence do not think it wise to disturb the child immediately and without warning. Needless to state, the petitioner is at liberty to spend as much time as he desires with the child, with the co-operation of the grand parents. Over time, we hope he will forge a bond enabling short visits with the child outside of the grand parents' home as well, all with the concurrence of the grand parents.

6.The annual ceremonies of the petitioner's wife are imminent, and the private respondents agree that they will participate in the same with the child. Let them be intimated well in advance as to when the ceremonies are to be conducted.



7. With this, we dispose this Habeas Corpus Petition. Parties are at liberty to approach the competent court seeking legal custody.

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8. We pass this order in the fond hope that the parties do not find any necessity to approach the Court seeking custody, but find a resolution by which the child is raised by the father and grand parents together, and has their love and affection in equal measure.

(A.S.M.,J.) (S.M.,J.)
13-07-2026

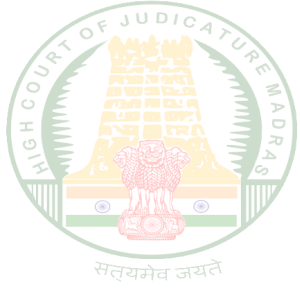
Index: Yes/No
Speaking
Neutral Citation: Yes

DP



1. The Commissioner of Police
Greater Chennai City Police,
Vepery, Chennai, Tamil Nadu-600 007.
2. The Inspector of Police
T-21, Kilambakkam Police Station,
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4. The Public Prosecutor,
High Court, Madras.

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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

DP

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