

H.C.P.No.1259 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2026

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CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No. 1259 of 2026

Manjula Lunker F/42 Years,
Wife of Deepak Lunker,
Door No. B-1, First Floor,
Vellalar Street, Purasaiwakkam,
Chennai – 84.

.. Petitioner

VS

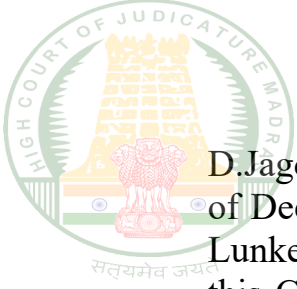
1.The Commissioner of Police,
Police Commissionerate,
Greater Chennai Corporation,
No.132, EVK Sampath Roadk, Vepery,
Chennai – 600 007.

2.The Inspector of Police,
All Women Police Station, Kilpauk,
Kilpauk, Chennai.

3.Deepak Lunker M/45 years,
son of Late. Mohan Chand Lunker,
Door No.13, 4th Floor, V.T.Arasu Tower,
Gajapathy Street, Shenoy Nagar,
Chennai.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India
praying to issue a writ of habeas corpus directing the 1st and 2nd
respondents herein to produce petitioner's minor children by name



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D.Jagdeep, son of Deepak Lunker, aged about 12 years, D.Jivitesh, son of Deepak Lunker aged about 12 years and D.Divyaansh, son of Deepak Lunker, aged about 04 years from the custody of 3rd respondent before this Court and hand over to my custody and to pass any order or other order as this Court may deem fit and proper circumstances of the case and thus render justice.

For Petitioner : Mr.

For Respondents : Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)
for R1, R2

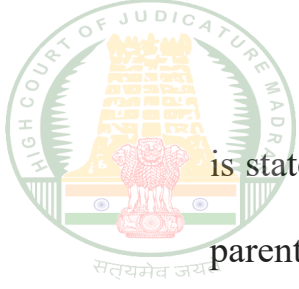
ORDER

(Made by Dr. ANITA SUMANTH, J.)

This matter has come up for admission on 15.07.2026 when we directed the parties to be present in court, i.e., the petitioner (mother), R3 (father) and their three children (D.Jagdeep, D.Jivitesh and D.Divyaansh).

2. We have heard the learned counsel for the petitioner and R3, and have also interacted with the parties. We are given to understand that R3 has instituted I.A.Sr.No.9739 of 2026 in HMOP.SR.No.4559 of 2026 before the Family Court, Chennai, seeking divorce and the custody of the children.

3. A brief snapshot of the facts are that the petitioner and R3 were married on 02.06.2013, two male children (twins, 12 years old) were born in 2014 and the 3rd child, 4 years old was born in 2021. One of the twins

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is stated to be a little hyperactive and we are given to understand that the parents are attending to his special needs. We say nothing more on this aspect that as there appears to be a difference of opinion between the parents as to what exactly the special need of the child may be and hence we leave it to the competent Court to look into this aspect of the matter to the extent necessary, in the best interests of the child.

4. Since the parties are shortly going to be engaged in the matter before the Competent Court, we record the facts solely to the extent necessary to adjudicate this matter as follows:-

- (i) Following a domestic dispute between the petitioner and R3 on 02.07.2026, R3 took the children, and left their joint matrimonial home.
- (ii) The petitioner resides in the joint matrimonial home by herself with the assistance of her parents, brothers and other family members.
- (iii) Police complaints appear to have been filed at different stages by both the parties and we leave it to the Family Court to take note of the police complaints and deal with them in proper perspective.

5. Having interacted in detail with the parties, we feel that it would be in the best interests of the two twelve year old twins to continue in the

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custody of R3 for the present and till such time orders are obtained in the petition seeking custody. As we do not wish this to be indefinite, we set a time frame of three months within which appropriate orders are to be obtained from the competent Court or until orders are passed by the competent Court, whichever is earlier. If orders are not obtained within three months from today, this HCP will be re-posted before this Court for appropriate orders.

6. As far as the 3rd child (4 years old) is concerned, since R3 is employed during the day, and is presently living with his aged mother and sister, who we are told is unwell, we direct R3 to handover the 3rd child to the care of the petitioner, mother.

7. This shall also be subject to the same procedure as set out in relation to the twins, that is, and in the interests of clarity, the petitioner shall have custody of the third child Divyaansh Lunker for a period of three months from today, or until orders are passed by the competent Court, whichever is earlier. If orders are not passed within a period of three months by the family Court, this HCP shall stand restored to the file of this Court for review and further orders.

8. We make it clear that the parties are at liberty to visit each other and the children and also ensure that the three brothers have sufficient opportunity to spend time with each other. Needless to say, the petitioner



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and R3 will make prior arrangements for visitation based on the schedule of the children, giving priority to their scholastic and extracurricular activities.

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9. With this, this HCP is closed. Both learned counsel are directed to file a memo setting out the progress in the matter before the Family Court to enable the Court to decide if the HCP needs to be re-posted for further orders, as indicated in paragraph 7 above. If no memo is filed or based on the orders of this Court, list on 28.10.2026.

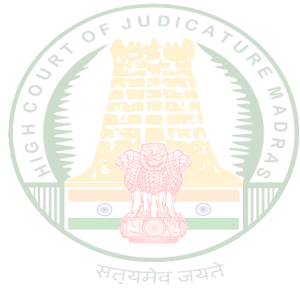
[A.S.M, J.] [S.M, J.]
22.07.2026

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

Note: Registry to place this file, with or without memo before us in chambers on 26.10.2026.

To

- 1.The Commissioner of Police,
Police Commissionerate,
Greater Chennai Corporation,
No.132, EVK Sampath Roadk, Vepery,
Chennai – 600 007.
- 2.The Inspector of Police,
All Women Police Station, Kilpauk,
Kilpauk, Chennai.
- 3.The Public Prosecutor, High Court, Madras.



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and
SUNDER MOHAN,J.

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