

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2026

CORAM

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS JUSTICE R. POORNIMA**

H.C.P.(MD) No.813 of 2026

M.Rithika Devi

.. Petitioner/Mother of the detenus

Vs.

1.The State of Tamilnadu,
Rep by the Superintendent of Police,
Madurai District.

2.The Inspector of Police,
All Women Police Station,
Thiruparankundram Police Station,
Madurai District, Madurai.

3.Murugan

4.M.Shanmugakani

5.G.Yuvaraj

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the 1st and 2nd respondents to produce the body or person of the petitioner's son and daughter/Detenues, namely



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Praveen, S/o.Murugan, aged about 4 years and Premika, D/o.Murugan, aged about 2 years, before this Court and handover their custody to the petitioner.

For Petitioner : Mr.B.Sargunam

For Respondents : Mr.D.Venkatesh
Government Advocate (Crl.Side)

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

This petition has been filed seeking to produce the body or person of the petitioner's children, Praveen, S/o.Murugan, aged about 4 years and Premika, D/o. Murugan, aged about 2 years, before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing on behalf of the respondents.

3. The case of the petitioner is that she is the biological mother of the alleged detenues, her boy child aged about 4 years and her girl child aged about 2 years. It is the further case of the petitioner that, due to a matrimonial dispute, she has separated from her husband and was living along with her children/detenues. The respondents 3 and 4 are the parents of

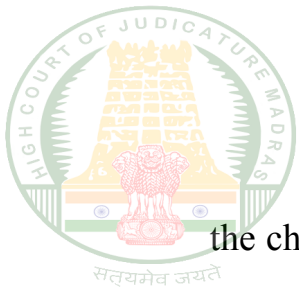


the petitioner, who have compelled her to unite with the 5th respondent.

Since the petitioner refused to succumb to the pressure of the 3rd and 4th respondents, the 5th respondent, acting in concert with the 3rd and 4th respondents, has separated her children/the detenues from the petitioner and has taken them into his custody without her consent. She had preferred a complaint before the Avaniyapuram Police Station regarding the illegal custody of her children and the case was transferred to the file of the second respondent, All Women Police Station. Since no action had been taken for securing her children/detenues, the petitioner has come up with this petition.

4. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that the petitioner's children/the detenues were illegally taken by the 5th respondent with the assistance of the 3rd and 4th respondents, who are the parents of the petitioner.

5. Per contra, the learned Government Advocate appearing for the respondents 1 and 2 would submit that the petitioner was initially married to the 5th respondent and subsequently, she developed a relationship with a transgender named Saipriyan and left the matrimonial home, whilst, leaving



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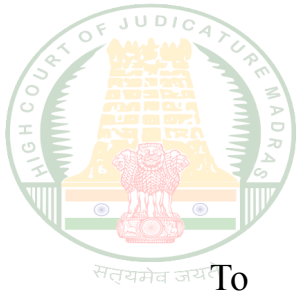
the children/the detenues with their father, the 5th respondent. The 3rd and 4th respondents asked her to join her husband. However, she refused to join the 5th respondent. For the past one year, the children have already been in the custody of the 5th respondent and therefore, the custody of the children is not illegal. He further submitted that, when the petitioner appeared for enquiry before the second respondent, she was well aware that she had left the custody of her children/the detenues with the 5th respondent. Now, she has filed this petition stating that the children/the detenues are in the illegal custody of the 5th respondent. Since it is not a case of illegal detention, this Habeas Corpus Petition is not maintainable.

6. Recording the above submission, this Habeas Corpus Petition stands closed. However, liberty is granted to the petitioner to seek custody of her children in the manner known to law.

(A.D.J.C.,J.,) (R.P.,J.,)
01.07.2026

Index : Yes / No
Internet : Yes / No

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1. The Superintendent of Police,
Madurai District.
2. The Inspector of Police,
All Women Police Station,
Thiruparankundram Police Station,
Madurai District, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**A.D.JAGADISH CHANDIRA,J.
AND
R.POORNIMA,J.**

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