



HCP.No.827 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM :

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

H.C.P.No.827 of 2024

Janani

.... Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police ,
Tiruvannamalai District.

2 The Sate Rep.by
Inspector of Police,
All Women Police Station,
Arni, Tiruvannamalai District.

3 G.P.Rajeshkumar

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of HABEAS CORPUS directing the 1st respondent to produce the petitioner's minor Son, namely, Sudharshan aged about 1 year from the illegal custody of the 3rd respondent and produce the body of the minor son before this Hon'ble Court and hand over the custody of the said minor child to the petitioner.



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For Petitioner : Ms. B. Manibharathi
for Mr.Mariappan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
for R1 & R2

: Mr. Seenuvasan,
for R3

ORDER

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

To direct the 1st respondent to produce the petitioner's minor son, Sudharshan, aged about 1 year from illegal custody and hand over the custody of the minor son to the petitioner/mother, the present Writ of Habeas Corpus has been filed.

2. The parties have now admitted that the minor child, aged about 1 year, is not under illegal detention. The child is with the mother/petitioner and the matrimonial dispute exists between the petitioner and the 3rd respondent. Such disputes relating to matrimonial issues cannot be adjudicated in HCP. Once the Court finds illegal detention is not established, this Court could not entertain the Habes Corpus Petition.



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3. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that now the child is with the safety custody of the petitioner/mother. More so, the child is 1 ½ years old. That being so, a child is entitled to stay along with the mother and thus, we are not inclined to consider the Habeas Corpus Petition.

4. The High Court, while exercising the powers of Judicial review, has to grant custody sparingly in exceptional cases. However, such powers of judicial review need not be exercised in a routine matter, more specifically, regarding custody of children, which is otherwise to be dealt with under the relevant law before the Competent Court.

5. Accordingly, the Habeas Corpus Petition is dismissed.

[S.M.S., J.]

[V.S.G., J.]

12.08.2024

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



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To

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3. The Public Prosecutor,
High Court, Madras.



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AND
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