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H.C.P.No.229 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM:

**THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

H.C.P.No.229 of 2025

Vijayapriya

...Petitioner

Vs

1.The Superintendent of Police,
Superintendent of Police Office,
Villupuram District.

2.State rep. by Inspector of Police,
All Women Police Station,
Tindivanam, Villupuram District.

3.P.Sivapragasam

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus and direct the respondents to produce the petitioner's minor daughter Sri Vaitheeswari D/o.Vijayapriya aged about 2½ years from the custody of the 3rd respondent before this Court and handover to the petitioner.

For Petitioners

: Mr.V.Navaneethakrishnan

For R1 & R2

: Mr.R.Muniyapparaj, APP

assisted by Mr.M.Sylvester John

For R3

: Mr.B.Balavijayan



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ORDER

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

The petitioner herein is the wife of the 3rd respondent to whom a 2½ years old minor daughter was born. Owing to an estranged relationship, the petitioner and the 3rd respondent are living separately. Alleging that the 3rd respondent had forcibly sent the petitioner out of the matrimonial house and retained the minor daughter with him, she has filed the present Habeas Corpus Petition seeking for securing her minor daughter and handover its custody to her.

2. When the matter came up for hearing on 03.03.2025, we had taken into consideration that the petitioner's minor daughter was at a tender age of 2½ years and therefore, her normal custody should be only with her mother and accordingly directed the 3rd respondent to handover the custody of the minor daughter to the petitioner. Through the same order, we had also referred the parties to the Mediation and Conciliation Centre attached to the High Court of Madras, Chennai, on 05.03.2025.

3. Today, when the matter was called, both the parties had reported that the conciliation proceedings had ended in failure. It was also mutually



submitted that the minor child is now under the care and protection of the petitioner.

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4. Since both the petitioner and the 3rd respondent had not come to a mutual understanding with regard to their matrimonial difference, as well as the custody of their minor daughter, it would be appropriate to relegate the parties to approach the competent Civil Court of law, seeking for custody of their minor daughter. However, since the minor child is aged only about 2½ years, it would be conducive that the interim custody of the minor child is retained by the petitioner/mother and accordingly, we order so.

5. The 3rd respondent/father is at liberty to visit his minor daughter once in 15 days for about one hour, at the residence of the petitioner. During such visits, the petitioner shall not create any disturbance or other inconvenience to the 3rd respondent and shall ensure that the 3rd respondent has full access to the child. However, the 3rd respondent shall not take the child out of the petitioner's house during his visits.

6. In case any of the parties approach the appropriate Family Court/Civil Court seeking for custody of child, the concerned Court shall deal the petition strictly on its own merits and pass appropriate orders in accordance with law,



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without being influenced by any of the observations made in this order or grant
of interim custody by this Court.

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7. With the above directions, the Habeas Corpus Petition stands disposed
of.

(M.S.R.,J.) (N.S.,J.)
28.03.2025

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

hvk

To

1.The Superintendent of Police,
Superintendent of Police Office,
Villupuram District.

2.The Inspector of Police,
All Women Police Station,
Tindivanam, Villupuram District.

3.The Public Prosecutor,
High Court of Madras, Chennai.



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M.S.RAMESH,J.
AND
N.SENTHILKUMAR,J.

hvk

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