



HCP.No.479 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

H.C.P.No.479 of 2025

B.Shabana Parveen

... Petitioner

Vs.

1.The Deputy Commissioner of Police
Adyar
Chennai 600 020

2.The Inspector of Police
J-7, Velacherry Police Station
Velacherry
Chennai 600 042

3.K.Aslam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 2nd respondent to produce the petitioner's minor female child Fathima Ubah, 7 years old from the custody of the 3rd respondent before this Court and handover to the petitioner.



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For Petitioner : Mr.S.Pushpakaran
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor - R1,2
Mr.S.Sudhakar - R3

ORDER

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

Mr.S.Sudhakar, the learned counsel takes notice on behalf of the 3rd respondent.

2.Owing to certain matrimonial disputes between the petitioner and the 3rd respondent herein, who is the husband of the petitioner, they are in an estranged relationship. Both of them were blessed with one minor girl child, who is 7 years old. It is alleged by the petitioner that the 3rd respondent herein had taken his child against the petitioner's wishes and has retained custody with him. The 3rd respondent herein, has filed a petition U/s.7 and 25 of the Guardians and Wards Act, 1890, before the VI Additional Family Court, Chennai in G.W.O.P.No.210 of 2025, in which notice has been served on the petitioner herein. Only after receipt of the



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notice, the petitioner had rushed to this Court seeking for securing the minor daughter and handing over of custody of her.

3.The 3rd respondent along with his minor daughter are also present before this Court. Effectively, by preferring this present petition, the petitioner has attempted to dilute the entire proceedings which have been initiated before the Family Court. While the 3rd respondent herein has sought for interim custody of the minor child, together with permanent custody, there is no prohibition for the petitioner also to claim either interim or permanent custody.

4.Thus, when the parties are before the concerned family Court, seeking for guardianship as well as custody of their minor child, it would not be appropriate for this Court to parallelly adjudicate the same issue. As such the petitioner is granted liberty to participate in the proceedings seeking for guardianship and custody of the minor child and also seek for interim custody.



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5.With the above liberty, the above Habeas Corpus Petition stands closed. No costs.

[M.S.R, J] [N.S, J]
13.03.2025

Index: Yes/No
Neutral Citation

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To

1.The Deputy Commissioner of Police
Adyar, Chennai 600 020

2.The Inspector of Police
J-7, Velacherry Police Station
Velacherry, Chennai 600 042

3.The Public Prosecutor
High Court of Madras
Chennai 600 104

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