



WEB COPY



HCP No.830 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2025

Coram

**THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.830 of 2025

M.Govindaraj
S/o.Mariyappan

.. Petitioner

Vs.

1.The Superintendent of Police
Krishnagiri District

2.The Inspector of Police,
Kaveripattinam Police Station
Krishnagiri District

3.Elancheran
S/o.Rajan

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to issue a direction to the respondents 1 and 2 to produce 1.Vikashene, S/o.M.Govindaraj aged about 8 years and 2.Divyashene, D/o.M.Govindaraj aged about 1 ½ years from the custody of the third respondent before this Court and handover them to the petitioner.



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For Petitioner : Mr.V.Balamurugan
For Respondents : Mr.A.Damodaran for R1 & R2
Additional Public Prosecutor

ORDER

[Order of the Court was made by ***N.SATHISH KUMAR, J***]

This petition has been filed seeking a direction to the respondents 1 and 2 to produce 1.Vikashene, S/o.M.Govindaraj aged about 8 years and 2.Divyashene, D/o.M.Govindaraj aged about 1 ½ years from the custody of the third respondent before this Court and handover them to the petitioner.

2. According to the petitioner, her wife committed suicide on 30.05.2024 and thereafter, the children are in the custody of the father in law namely the third respondent, hence, seeks for a direction.

3. At the outset, we are of the view that when the children are taken care by the grandparents/third respondent, such custody cannot be said to be an illegal detention. The main grievance of the petitioner is with regard to the visitation rights and custody of the minor children. In such a case, it is



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for the petitioner to take necessary application under the relevant Act particularly Guardians and Wards Act, 1890 seeking custody as a natural guardian, therefore, this Court is of the view that the present HCP is not maintainable and accordingly, this petition stands dismissed.

[N.S.K., J] [M.J.R., J]
24.10.2025

Index: Yes/No
dhk

To

- 1.The Superintendent of Police
Krishnagiri District
- 2.The Inspector of Police,
Kaveripattinam Police Station
Krishnagiri District
- 3.The Public Prosecutor,
High Court, Madras.



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and
M.JOTHIRAMAN, J

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