



WEB COPY



HCP No.888 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-05-2025

CORAM

THE HONOURABLE MR JUSTICE G. R. SWAMINATHAN

AND

THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN

HCP NO. 888 of 2025

A.Sivasakthi
W/o. Cinnadurai, 113, Flat No.F3, VGP Selva
Nagar, Velachery, Chennai 600 042.

Petitioner(s)

Vs

1.The State by,
The Commissioner Of Police,
Vepery, Chennai 600007
2. The Inspector Of Police
W21, All Women Police Station,
Guindy,
Chennai 600 032.

3. Chinnadurai
S/O. Dhanasekaran,
Vinayaga Gents Hostel,
Plot No.11, 3rd Street,
Ramnagar,
Balamurugan Nagar,
Sarathy Nagar,
Velachery,
Chennai 600042.

Respondent(s)



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For Petitioner(s):

Mr.S.Sathia Chandran

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For Respondent(s):Mr.E.Raj Thilak,

Additional Public Prosecutor, for R1 & R2

Mr.K.L.Sekar- for R3

ORDER

(Order of the Court was made by the Hon'ble G.R.Swaminathan J.)

The petitioner herein got married to the 3rd respondent on 25.01.2015 and a male child was born from their wedlock on 17.08.2015. The relationship between the parties came under strain. Since May, 2021, the petitioner is residing separately from the 3rd respondent at Velacherry. The child has been with the petitioner ever since. The child is studying in Sree Sankara Bala Vidyalaya Golden Jubilee School. He has been promoted from 3rd standard to 4th standard. The petitioner alleges that the child has been forcibly taken away by the 3rd respondent on 26.04.2025. Seeking production of the child, this HCP came to be filed.

2. The 3rd respondent appeared before us along with the child. We had interaction with the child as well as the parents.



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3 The 3rd respondent does not appear to have contributed even a single pie towards the maintenance of the child all these years.

4. The 3rd respondent is very much entitled to file a GWOP and seek custody of the child, but he cannot take forcible custody of the child. The 3rd respondent claimed before us that the child himself came to his house on his own accord. Considering the age of the child, we are of the view that the child cannot be left to take a decision of his own. The child has been with the petitioner all these four years and it is just and proper for the child to continue to be with the mother, subject to any decision that may be rendered by the jurisdictional Family Court/Civil court.

5. We direct the 2nd respondent to ensure that the custody of the child is restored to the petitioner herein forthwith.

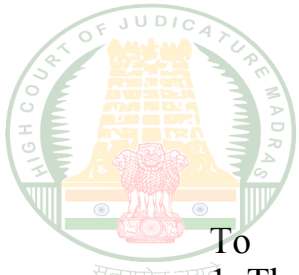
6. This Habeas Corpus Petition is allowed accordingly.

[G.R.S.,J] [V.L.N.,J]
22.05.2025

Dn/Suk

Index: Yes/No

Speaking Order: Yes/No



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To

1. The Commissioner Of Police,
Vepery,
Chennai 600007.

2. The Inspector Of Police
W21, All Women Police Station,
Guindy,
Chennai 600 032.

3. The Public Prosecutor,
High Court, Madras-104.



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G. R. SWAMINATHAN.J,
AND
V.LAKSHMINARAYANAN.J,

dn/suk

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