



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2025

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**THE HONOURABLE MR JUSTICE G. R. SWAMINATHAN
AND
THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN**

HCP No. 931 of 2025

1. K.Saravanan
S/o Kuppusamy, No.2, Jeeva Nagar,
Military Road, Sevilmedu,
Kancheepuram District.
Tamil Nadu-631 501

Petitioner(s)

Vs

1. State rep by
The Superintendent of police,
Kancheepuram District.
Tamil Nadu-631 501

2.The State rep by
The Inspector of police, B3 Kanchi
Taluk Police Station, Kancheepuram
District. Tamil Nadu-631 501

3.R.Santhosh Kumar
S/o rajan, No.27, Thirupathikundram,
Kancheepuram District,
Tamil Nadu-631 501



Respondent(s)

PRAYER

To issue a writ, order or direction and in more particularly writ in the nature of a WRIT OF HABEAS CORPUS, direction the respondents to produce the person and body of the minor child Ms.PRAVALINI aged about 3 years daughter of Mrs. Keerthana from the custody of the 3rd respondent before this Court and pass any other orders as this Honble court may deem fit and proper under the circumstances of the case and thus render justice

For Petitioner(s): Mr. M.Dharani Dharan

For Respondent
Nos.1 and 2 : Mr.E. Raj Thilak
Additional Public Prosecutor

For Respondent
No.3 : Mr. K. Krishnan

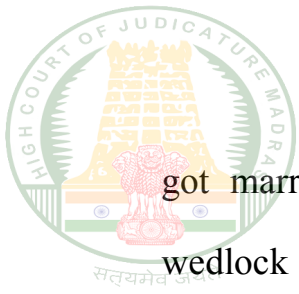
ORDER

(Order of the Court was made by G.R.SWAMINATHAN J.)

The present Habeas Corpus Petition is filed to direct the respondents to produce the person and body of the minor child Ms.Pravalini aged about 3 years daughter of Mrs. Keerthana from the custody of the 3rd respondent before this Court.

2. Heard the learned counsel appearing for both sides.

3. The maternal grandfather of the child has filed this petition. The petitioner's daughter, namely, Keerthana fell in love with the 3rd respondent and



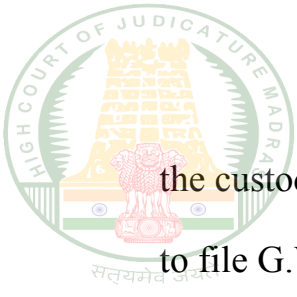
got married on 17.01.2021. A female child, Pravalini, was born from the wedlock on 31.10.2021. Unfortunately, Keerthana committed suicide on 23.10.2022, and the child was with the petitioner ever since. There was some kind of mutual arrangement between the petitioner and the third respondent.

4. Be that as it may, on 01.05.2025, the third respondent had forcibly taken away the child from the custody of the grandparents. In fact, the petitioner had given a complaint before the second respondent on the same day and the same was also registered by the second respondent in C.S.R.No.1036 of 2025.

5. The learned Additional Public Prosecutor confirmed the averments made by the petitioner in paragraph No.10 of the affidavit filed in support of this petition.

6. It is true that the third respondent is the biological father of the child. But then, he has no right to take the law in his own hands and he has to necessarily file G.W.O.P. and establish his rights. We also take note of the fact that following the death of Keerthana by suicide, a case in Crime No.717 of 2022 was registered by the second respondent under Section 174 of Cr.P.C. and the Revenue Divisional Officer's enquiry is also pending.

7. Since the third respondent had forcibly taken the child away from the custody of the petitioner, we direct the third respondent to forthwith hand over



the custody of the child to the petitioner. We grant liberty to the third respondent to file G.W.O.P. and establish his rights in the manner known to law. During the intervening period, the third respondent will have visitation rights. It is brought to our notice that the 3rd respondent contracted second marriage in the meanwhile.

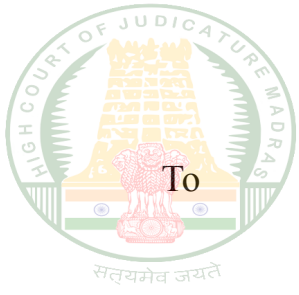
8. Accordingly, the Habeas Corpus Petition is allowed.

(G.R.SWAMINATHAN J.)(V.LAKSHMINARAYANAN J.)
21-05-2025

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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WEB COUNCIL

1. The Superintendent of Police,
Kancheepuram District.
Tamil Nadu-631 501

2. The Inspector of Police, B3 Kanchi
Taluk Police Station, Kancheepuram
District. Tamil Nadu-631 501

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