



H.C.P.No.1031 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

H.C.P.No.1031 of 2025

Rajeshwari

... Petitioner

Vs.

1.The State rep. by
Inspector of Police,
W-7 All Women's Police Station,
Anna Nagar,
Chennai.

2.Balaji

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 1st respondent to produce the minor children by names B.Thangamithra, B.Magitha and B.Perarulaalan, born on 06.06.2016, 06.10.2018 and 18.03.2020 respectively, before this Court from the illegal custody of the 2nd respondent to secure and handover to the petitioner.

For Petitioner

: Mr.N.Vishnuvardhan



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For R1

: Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of two minor girls and one minor son, aged about 9 years, 7 years and 5 years respectively. The second respondent is her husband. Claiming that the second respondent/husband has been holding the children forcibly and refusing to handover their custody, she has filed the present Habeas Corpus Petition.

2. Since there appears to be a matrimonial dispute between the parties, we had referred the parties to the Mediation and Conciliation Centre, High Court of Madras on 05.06.2025. However, the mediation talks failed.

3. Admittedly, the second respondent/father herein is having the custody of the three minor children from 28.05.2023 and the petitioner/mother has not seen the children since then. The second respondent claims that he is residing in his house along with his mother and sister, who are all taking care of the children. Though the second respondent

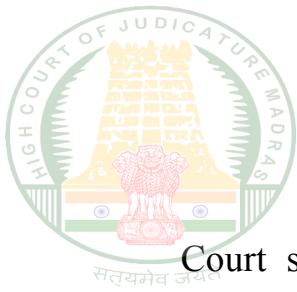


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has offered to reconcile with the petitioner, she has expressed her unwillingness.

4. The visitation or custodial rights in this matter, may involve disputed facts and this Court, in exercise of its powers under Article 226 of the Constitution of India, will not venture to adjudicate such claim. However, if liberty is granted to the parties to work out their remedy before the appropriate jurisdictional Courts, touching upon the custody of the children, the ends of justice would be served.

5. In the light of the above observations, the petitioner/mother is granted liberty to file an appropriate application seeking for custodial rights of the children before the jurisdictional Court. In the meantime, the interim custody of the three minor children shall be with the second respondent/father. The petitioner/mother will be at liberty to visit her minor children, as and when required, after giving prior notice to the second respondent/father. During such visit, the second respondent/father shall facilitate for an amicable meeting of the mother and children and shall not cause any hindrance. Further, if any application is filed before the concerned



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Court seeking for custodial right, the same shall be adjudicated by the concerned Court, without reference to any of the observations made in this order and it shall be open to the concerned Court to decide on the custody of the children.

6. With the above observations and liberty, this Habeas Corpus Petition stands closed. No costs.

[M.S.R, J.]

[V.L.N, J.]

19.06.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To

1.The Inspector of Police,
W-7 All Women's Police Station,
Anna Nagar,
Chennai.

2.The Public Prosecutor,
High Court, Madras.



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and
V. LAKSHMINARAYANAN, J.

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