



HCP.No.1003 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.1003 of 2025

S.Murugalakshmi

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Deputy Commissioner's Office,
Avadi, Chennai-600 071.

2.The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai-600 122.

3.Esthar

4.Thangaraj

5.Anandh

6.Karthick

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the petitioner's 3 year minor child, namely, Vivan before this Court and hand over to the petitioner's custody.



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For Petitioner : Mr.P.Arumugam
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
for R1 and R2
Mr.M.Abul Faiz
for R3 to R6

ORDER

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

Taking into account that the petitioner's minor son was only three years old and that it is conducive for the mother to have the custody of the child, we have passed an interim order on 09.06.2025, restoring the custody of the child with the mother. The said order reads as follows:-

“ Under Section 6 of the Hindu Minority and Guardianship Act, 1956, the custody of a minor, who has completed the age of 5 years, shall ordinarily be with the mother. In the instant case, it is alleged that the private respondents 3 to 6 herein are refusing to handover the custody to the petitioner, who is the mother of a 3 years old son.

2. Certain allegations are made by the private



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respondents against the petitioner/mother, which aspect could be deliberated at a later stage. However, in view of the legal entitlement of the mother, we deem it appropriate to handover the custody of the minor son to the petitioner/mother.

3. Accordingly, the custody of the petitioner's minor son, aged about 3 years, shall be handed over to the petitioner/mother forthwith and the fourth respondent/father is at liberty to visit his minor son, as and when is required, after giving prior notice to the petitioner.

4. In order to monitor further progress of this case, call the matter on 13.08.2025.”

2. As seen above, though the fourth respondent was given visitation rights, it is claimed by the petitioner that he made no attempt to visit or even call the petitioner herein. Taking into account that the child is 3 years old, we deem it appropriate that the custody of the child be retained with the mother/petitioner herein.

3. Accordingly, this Habeas Corpus Petition stands closed with an



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observation that the petitioner/mother shall be entitled to have the custody of the child. The fourth respondent being the father of the child is at liberty to visit his minor son, as and when required, after giving prior notice to the petitioner. There shall be no order as to costs.

[M.S.R., J] [V.L.N., J]
13.08.2025

Index: Yes/No
Speaking Order/ Non Speaking Order
Neutral Citation : Yes/No
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M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

ssb

To

- 1.The Deputy Commissioner of Police,
Deputy Commissioner's Office,
Avadi, Chennai-600 071.
- 2.The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai-600 122.
- 3.The Public Prosecutor,
High Court, Madras.

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