



H.C.P.No.1019 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2025

CORAM :

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

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R.Janani

...Petitioner

vs.

1.The Superintendent of Police (Rural),
Office of Superintendent of Police,
State Bank Road, Coimbatore – 641 018.

2.The Inspector of Police,
R3 Madukkarai Police Station,
Palghat Main Road, Madukkarai,
Coimbatore – 641 105.

3.R.Sathiyaraj

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the petitioner's son S.J.Pirtuva, S/o. R.Janani, aged 7½ years, the detinue herein from the illegal custody of the 3rd respondent, bodily or in person and hand over his custody to the petitioner before this Court.



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For Petitioner : Mr.G.K.Muthukumar
For R1 & R2 : Mr.E.Raj Thilak,
Additional Public Prosecutor
For R3 : Mr.R.Sathiyaraj
Party-in-person

ORDER

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

Claiming that the petitioner's minor son aged about 7½ years has been compulsorily detained by the third respondent/petitioner's husband, the present Habeas Corpus Petition has been filed.

2. Through interim directions, the petitioner's minor son, along with the third respondent herein, was produced before us. At this juncture, we had passed the following orders on 06.06.2025:-

“We have interacted with the petitioner, as well as the 3rd respondent at the instance of the learned counsels in our Chambers.

2.We have taken into consideration that the minor child aged about 8 years, who was all along in the care and protection of the petitioner/mother and



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the 3rd respondent/father, was separated from the petitioner/mother only for the past 41 days from 28.04.2025. In order to explore the possibility of reconciling the mother and her minor son, we deem it appropriate that the temporary custody of the child be handed over to the petitioner/mother. However, the 3rd respondent is at liberty to visit his minor child at any time, after giving prior notice to the petitioner. During such time, the petitioner or her family members shall not cause any inconvenience for such visits.

3.In order to further monitor the case, post this matter on 20.06.2025.”

3. In the light of the above liberties granted, it was reported before us that the third respondent, while visiting his minor child, has caused certain disturbances, which was recorded by us in our order dated 20.06.2025, in the following manner:-

“In continuation of our earlier order dated 06.06.2025, both the petitioner/mother, as well as the third respondent/father are present before this Court and their minor son was brought to the Court by the



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third respondent, in spite of our earlier direction that the ordinary custody of the child shall remain with the mother and that the third respondent was given only the visitation rights.

2. According to the learned counsel for the third respondent, the petitioner had voluntarily handed over the child to him and has also issued a letter dated 18.06.2025, affirming such an action. However, the learned counsel for the petitioner submitted that after the custody of the child was handed over to the petitioner pursuant to the order dated 06.06.2025, the third respondent visited the child only on two occasions. During both visits, it is alleged that he adversely influenced the child against the mother, resulting in the child resisting being in the care and protection of the petitioner.

3. Despite specific instructions given to the third respondent not to cause any disturbance during his visitation, he is alleged to have influenced the child in violation of the Court's directions. This Court is of the opinion that the care and protection of the minor child with his mother would be appropriate. Even assuming that the petitioner had voluntarily



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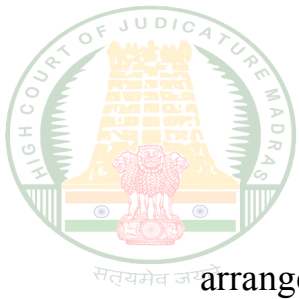
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handed over the custody of the child to the third respondent, he ought to have obtained prior permission from this Court before doing so. In our considered view, the third respondent has violated the mandatory directions issued by this Court on 06.06.2025.

4. The learned counsel for the petitioner apprehends that if the third respondent is permitted to visit the child again, he may indulge in similar acts that could disturb the child's emotional well-being.

5. In the light of the above, we are inclined to cancel the visitation rights earlier granted to the third respondent herein. In order to monitor the custody arrangement of the minor child with the petitioner/mother, the Registry is directed to post this matter on 18.07.2025. The third respondent shall forthwith handover the custody of the minor child to the petitioner herein.”

4. In order to further monitor the case, we had listed the matter on 18.07.2025 and taking note of the fact that the child was comfortable under the care and protection of her mother, we continued the interim



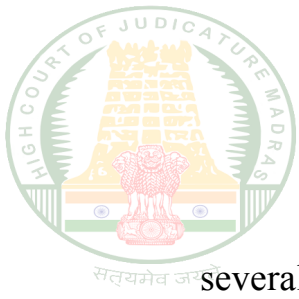
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arrangements. In this background, the Habeas Corpus Petition is listed before us today.

5. Certain relevant facts, based on which the present Habeas Corpus Petition has been filed, are that the petitioner and the third respondent herein were in love with each other and accordingly got married on 14.05.2009. Out of the wedlock, their son was born to them on 17.10.2017. The couple, along with their son, were living in Dubai, United Arab Emirates till 30.03.2025. After certain matrimonial dispute arose between them, they shifted to India in the first week of April, 2025 and established a house in Mettur, Tamil Nadu. This dispute between them intensified and on 26.04.2025, it is alleged that the third respondent had forcibly taken his minor son from the petitioner, which prompted her to prefer a police complaint before the second respondent herein on 27.04.2025, seeking custody of her child. Since there was no sufficient progress on her complaint, she had filed this Habeas Corpus Petition.

6. At the initial stage of hearing, we had taken into account the welfare of the minor child as our paramount consideration and made



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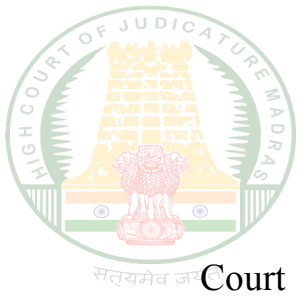
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several attempts for the child to have access to both his father and mother.

However, these arrangements were not properly appreciated by the third respondent, which prompted us to withdraw the visitation rights granted to him. It is in this background, we had summoned both the parties, along with the child, to be present before us.

7. Today, we had noticed and were convinced to see that the child was very comfortable in the care and protection of his mother. We also gave opportunity to the third respondent, who is present before us (since his legal counsel has withdrawn his vakalat and he did not choose to engage any lawyer), as to whether he intends to share any of his views. However, he would state that he has nothing to say except that he came to the Court today to have a glimpse of his son and accordingly walked away from the Court hall.

8. Both the parties have made allegations against each other and this Court, in exercise of its powers under Article 226 of the Constitution of India, will not normally to adjudicate these disputed facts. However, if they are granted liberty to approach the appropriate jurisdictional Family



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Court to redress their grievances touching upon the custody/visitation rights of the child, the ends of justice could be secured.

9. In the light of the above observations, the petitioner is at liberty to continue having full custody of her minor son. The third respondent is also granted liberty to approach the concerned Family Court seeking for custodial or visitation rights. In case any such application is filed, the concerned Family Court shall adjudicate the same, after giving due opportunity to both the parties and pass final orders on the custodial and visitation rights of the parties, without being influenced by any of the observations made by us in this order. We also make it clear that we have not granted any visitation rights to the third respondent, which shall be decided by the concerned Family Court on an application made in this regard. The Habeas Corpus Petition stands disposed of accordingly.

[M.S.R, J.]

[V.L.N, J.]

22.08.2025

Index: Yes
Speaking order

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To

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Office of Superintendent of Police,
State Bank Road, Coimbatore – 641 018.

2.The Inspector of Police,
R3 Madukkarai Police Station,
Palghat Main Road, Madukkarai,
Coimbatore – 641 105.

3.The Public Prosecutor,
High Court, Madras.



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