



H.C.P.No.1119 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

H.C.P.No.1119 of 2025

G.Muniraj

... Petitioner

Vs.

1. Superintendent of Police,
Tirupattur District.

2. Deputy Superintendent of Police,
Tirupattur Town & District.

3. The Inspector of Police,
Kandhili Police Station,
Tirupattur Taluk & District.

4. Mrs. Anjula @ Rukala Anjula

... 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 person or body of the petitioner's daughter Minor M.Sudha, D/o.Muniraj, aged about 8 years, before this Court, handover the custody to the petitioner.



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For Petitioner : M/s.M.A.Mumtaj Surya
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

The petitioner and the fourth respondent herein, who are husband and wife respectively, have two minor daughters, aged about 13 years and 8 years. Owing to certain matrimonial indifferences between them, they are in an estranged relationship. While the custody of the petitioner's elder daughter, aged about 13 years, is with him, their 8 years old daughter is in the custody of her mother/fourth respondent herein. Claiming the custody of his younger daughter with the fourth respondent as unlawful, the present Habeas Corpus Petition has been filed.

2. Pending the Habeas Corpus Petition, we had referred both the parties to the Tamil Nadu Mediation and Conciliation Centre, High Court, to explore the possibility of an amicable arrangement touching upon the custody of the children, as well as for reconciliation of the parties. Through a mediation report dated 27.06.2025, we are informed that no agreement was reached between them.

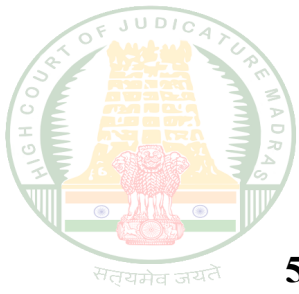


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3. The allegations made by the petitioner and the fourth respondent against each other, is disputed by both the parties. None of them are willing to handover the custody of their respective children to the other. This Court, in exercise of its powers under Article 226 of the Constitution of India, will not venture to adjudicate disputed facts. Likewise, when there are specially designated Court to adjudicate the custodial, as well as the visitation rights over the children, it will be inappropriate to deal with such custodial/visitation rights also.

4. In this background, both the petitioner, as well as the fourth respondent, are granted liberty to approach the concerned jurisdictional Court, to seek for custodial/visitation rights of their children. Till such interim or final orders passed by the concerned Courts, both parties shall retain custody of their respective children. Further, both the petitioner and the fourth respondent herein are at liberty to visit the children, which is in the custody of the other spouse, as and when required, after giving prior notice.



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5. In case, either of the parties make any original petition/interim application seeking for custodial rights or for visitation rights over their children, the concerned jurisdictional Court shall adjudicate the same on its own merits and pass appropriate orders in accordance with law, without being influenced by any observation made in this order. We further clarify that during such adjudication, the concerned jurisdictional Court will be at liberty to pass interim/final order, including visitation rights on the merits of the case, without reference to the interim arrangement for custody/visitation made in this order.

6. With the above liberty, the Habeas Corpus Petition stands closed.

No costs.

[M.S.R, J.]

[V.L.N, J.]

27.06.2025

Index: Yes

Speaking order

Neutral Citation: Yes

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To

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Tirupattur District.
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- 3.The Inspector of Police,
Kandhili Police Station,
Tirupattur Taluk & District.
- 4.The Public Prosecutor,
High Court, Madras.



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