



HCP.No.1135 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2025

Coram

**THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.1135 of 2025

M.Rajesh
S/o.Manikkam

.. Petitioner

Vs.

1.The Deputy Commissioner of Police
The Deputy Commissioner of Police
Virugambakkam, Chennai District

2.The Inspector of Police,
Virugambakkam Police Station
Chennai District

3.Easwari
W/o.Rajesh

.. Respondents

(R3 is suo motu impleaded as per the order dated 12.08.2025 in HCP.No.1135 of 2025)

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to issue a direction to the respondents to produce the petitioner's son namely Lavan, aged 8 years and Rudhran, aged 4 years before this Court and to handover them to the petitioner.



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For Petitioner : Mr.S.Kasirajan
For Respondents : Mr.A.Damodaran for R1 & R2
Additional Public Prosecutor
Mr.V.K.Sathiyamurthy for R3

ORDER

[Order of the Court was made by ***N.SATHISH KUMAR, J***]

This petition has been filed seeking a direction to the respondents to produce the petitioner's son namely Lavan, aged 8 years and Rudhran, aged 4 years before this Court and to handover them to the petitioner.

2. The third respondent is the mother of the children. Admittedly, the minor children are in the custody of the mother, there is a matrimonial dispute between the parties in HMOP.No.3408 of 2025 on the file of the II Additional Family Court, Chennai and the same is also scheduled for hearing on 05.11.2025.

3. Though this Court earlier had granted visitation rights, we are of the view that deciding the visitation rights and custody is not within the



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jurisdiction of this Court, particularly, while hearing HCP matters. We are of the view that mere custody of the child with the other spouse can never be construed as a illegal custody to invoke the jurisdiction of this Court particularly by filing Habeas Corpus Petition.

4.In view of the above, this petition stands dismissed. It is well open to the petitioner to work out his remedy by filing appropriate petition for custody of the child or visitation rights in the manner known to law.

5.In view thereof, this petition stands closed.

[N.S.K., J]

[M.J.R., J]

24.10.2025

Index: Yes/No
dhk



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N.SATHISH KUMAR, J
and
M.JOTHIRAMAN, J

dhk

To

- 1.The Deputy Commissioner of Police
The Deputy Commissioner of Police
Virugambakkam, Chennai District
- 2.The Inspector of Police,
Virugambakkam Police Station
Chennai District
- 3.The Public Prosecutor,
High Court, Madras.

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