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HCP.No.1378 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1378 of 2025

C.Babu

... Petitioner

Versus

1. Superintendent of Police,
District Superintendent Office,
Mayiladuthurai.

2. Inspector of Police,
Thiruvankadu Police Station,
Mayiladuthurai.

3. S.Kumar

... Respondents



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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the minor Brahadeesh son of C.Babu aged 5 years before this Court from the illegal custody of the third respondent and to hand over the custody of the said minor son to the petitioner.

For Petitioner : Ms.V.Mythili
for Mr.R.Srinivas

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem
for R1 and R2
Mr.R.Shivakumar for
M/s.K.M.Vijayan Associates for R3

ORDER

(Order of the Court was made by P.VELMURUGAN J.)

This Writ of Habeas Corpus Petition has been filed seeking a direction



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to respondents 1 and 2 to produce the minor child, Brahadeesh, son of C.Babu, aged 5 years, before this Court from the alleged illegal custody of the third respondent and to hand over the custody of the said minor to the petitioner.

2. According to the petitioner, he married one Gayathri, and the couple were blessed with a male child, Brahadeesh. On 19.04.2025, the petitioner's wife committed suicide, allegedly due to addiction to online games. Thereafter, the petitioner's father-in-law lodged a false complaint accusing the petitioner of torturing her for money, which allegedly drove her to commit suicide. Pursuant the complaint, a case in Crime No.62 of 2025 was registered for the offence under Section 194(3) of BNSS and RDO enquiry is pending. During the course of enquiry, the second respondent-Police, unlawfully took the custody of the child and handed him over to the third respondent, who, according to the petitioner, has no legal right to retain



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custody. Hence, the present petition.

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3. Heard the submissions made by the learned counsel on either side and perused the materials available on record.

4. Since the dispute between the petitioner and the third respondent - paternal grandfather of the minor child pertains to custody, the present petition is not maintainable. Hence, both parties are directed to approach the competent Court and work out their remedy in the manner known to law.



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WEB COPY 5. Accordingly, the Habeas Corpus Petition stands dismissed as not maintainable.

[P.V.,J.] [M.J.R.,J.]

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Index: Yes/No

Neutral Citation: Yes/No

ms

To

1. The Superintendent of Police,
District Superintendent Office,
Mayiladuthurai.
2. The Inspector of Police,
Thiruvankadu Police Station,
Mayiladuthurai.
3. The Public Prosecutor
High Court, Madras.



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