



WEB COPY



HCP No.1350 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.1350 of 2025

Ashik Jain
S/o.Deepak Jain

.. Petitioner

Vs.

1.The Commissioner of Police
Greater Chennai Police
132, EVK Sampath Road, Periamet
Vepery, Park Town, Chennai, Tamil Nadu – 600 007

2.The Inspector of Police,
Flower Bazar Police Station
Flower Bazaar, Chennai

3.Meenatchidevi

.. Respondents

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 minor children Hriday Jain, S/o.Ashik Jain, Male aged about 5 years and Manya Jain, D/o.Ashik Jain, Female aged about 3 year before this Court from the custody of the third respondent and handover her to the petitioner.



HCP No.1350 of 2025

For Petitioner : Mr.S.Vellidoss
For Respondents : Mr.A.Damodaran for R1 & R2
Additional Public Prosecutor
Mr.E.Hariharan 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 minor children Hriday Jain, S/o.Ashik Jain, Male aged about 5 years and Manya Jain, D/o.Ashik Jain, Female aged about 3 year before this Court from the custody of the third respondent and handover her to the petitioner.

2. Though the petitioner filed Habeas Corpus Petition for production of his minor children, the entire issue is only a family dispute. 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.



HCP No.1350 of 2025

3. This Court vide order dated 05.08.2025 restored the custody of the minor children to the petitioner/father of the children. Now, the parties have come to amicable settlement. The memorandum of compromise is also placed before this Court. The petitioner had agreed that he will create two fixed deposits of Rs.20 lakhs each in the names of the minor children and it also agreed that the petitioner and the third respondent would be nominees to the said deposits, however, it is the further grievance that the bank is not admitting for appointing two nominees.

4. As the parties have reached a compromise and in order to safeguard the money in the names of minor children, the petitioner and the third respondent have agreed for recording them as two nominees, so as to prevent the other nominee from using the money for any other purposes, this Court directs the concerned Bank namely State Bank of India, Sowcarpet Branch to include two nominees as agreed in the compromise memorandum of understanding dated 03.10.2025.



HCP No.1350 of 2025

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

5.In view thereof, this petition stands closed.

[N.S.K., J] [M.J.R., J]
24.10.2025

Index: Yes/No
dhk

To

- 1.The Commissioner of Police
Greater Chennai Police
132, EVK Sampath Road, Periamet
Vepery, Park Town, Chennai, Tamil Nadu – 600 007
- 2.The Inspector of Police,
Flower Bazar Police Station
Flower Bazaar, Chennai
- 3.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1350 of 2025