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H.C.P.No.1852 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

H.C.P.No.1852 of 2025

S.Elumalai

... Petitioner/Father of the Minor

-VS-

1. State Rep. by
Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai-600 007.

2. The Inspector of Police, L&O,
E-2, Royapettah Police Station,
Royapettah, Chennai-600 014.

3. Mrs.Sandhiya

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents to produce the petitioner's minor son E.Jashwin, aged about 1 year 8 months before this Court and hand over to the petitioner.

For Petitioner : Mr.T.Selvasivakumar

For R1 & R2 : Mr.A.Gokulakrishnan
Addl. Public Prosecutor



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ORDER

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(By J.Nisha Banu,J.)

This petition has been filed for a direction to the respondents to produce the petitioner's minor son E.Jashwin, aged about 1 year 8 months before this Court and hand over the custody of the child to the petitioner.

2. When the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that due to matrimonial discord, the petitioner's wife / 3rd respondent herein has been residing in her parental house along with the minor son born to them and inspite of several efforts taken by the petitioner to see his son, he was deprived of such visitation, which amounts to illegal deprivation.

3. It is seen that the child is aged about only 1 year and 8 months and it is not in dispute that the child is with the petitioner's wife / R3 herein, who is none other than the mother of the child. Therefore, it cannot be said that the child is kept under illegal custody of the 3rd respondent and the present petition is not maintainable.

4. Finding no substance in the argument of the petitioner, the



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present Habeas Corpus Petition is dismissed *in limine*. It is open to the petitioner to work out his remedy before the appropriate Forum in the manner known to law. No costs.

(J.N.B.J.,) (S.S.J.,)
19.09.2025

Index: Yes / No
Internet: Yes / No
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To:

1. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai-600 007.
2. The Inspector of Police, L&O,
E-2, Royapettah Police Station,
Royapettah, Chennai-600 014.
3. The Public Prosecutor,
High Court, Madras.

J.NISHA BANU, J.



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