



H.C.P.No.1824 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 22.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

H.C.P.No.1824 of 2025

M.Vijayalakshmi

... Petitioner

-VS-

1. The Commissioner of Police,
Office of Chennai Police Commissioner,
Vepery, Egmore, Chennai.

2. The Deputy Commissioner of Police,
Deputy Commissioner Office,
Washermenpet, Chennai-600 021.

3. The State Rep. by
The Inspector of Police,
H-3, All Women Police Station,
Washermenpet, Chennai-21.

4. A Lakshmi

... 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 daughter S.Shivathmika, aged 3 years, who is in the illegal custody of the 4th respondent and hand over her custody to the petitioner.

For Petitioner	: Mr.N.Balaji
For R1 to R3	: Mr.A.Damodaran Addl. Public Prosecutor
For R4	: Mr.P.Muthamizh Selvakumar



H.C.P.No.1824 of 2025

ORDER

WEB COPY

(By J.Nisha Banu,J.)

This petition has been filed for a direction to the respondents to produce the petitioner's daughter S.Shivathmika, aged 3 years, who is in the illegal custody of the 4th respondent and hand over her custody to the petitioner.

2. According to the petitioner, she was earlier married to one Sathya in the year 2014 and gave birth to two children and her husband deserted her, while her 2nd child was in the womb. Thereafter, her aunt and her husband forced her to marry their son by name Suresh Kumar and she has also decided to start a new life with him. Being annoyed by the same, her 1st husband brutally attacked the said Suresh Kumar and killed him. It is stated by the petitioner that she continued to reside in the residence of her aunt along with her 2nd daughter and due to the misbehaviour of her aunt's husband with her, she decided to leave the house along with the child. It is further stated that her aunt and her husband suddenly snatched the child from her, stating that she was born to their son and drew her out of the house. Since the whereabouts of the child were not known to the petitioner,



H.C.P.No.1824 of 2025

she has filed the present Habeas Corpus Petition for production of her child.

WEB COPY

3. Today, the respondent Police has produced the 4th respondent along with the child. On seeing the petitioner, who is the natural guardian of the child, the child immediately climbed off from the lap of the 4th respondent and crawled onto the lap of the petitioner / mother.

4. We find that the child was kept under the illegal custody of the 4th respondent and her family. We feel it appropriate to hand over the child to the custody of the petitioner / mother, as the child is reported to be 3 years old.

5. Accordingly, this Habeas Corpus Petition is allowed and the detainee / child, namely S.Shivathmika, aged 3 years is entrusted with the petitioner herein. The respondent police / R3 shall ensure that there is no hindrance / disturbance caused to the petitioner either from her 1st husband or from the family of the 4th respondent. This Court deprecates the forceful

J.NISHA BANU, J.
AND



H.C.P.No.1824 of 2025

S.SOUNTHAR, J.

ar

WEB COPY

custody of a person much less child and the custody or visitation right must be obtained only in the manner known to law. No costs.

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

22.09.2025

Index: Yes / No

Internet: Yes / No

ar

To:

1. The Commissioner of Police,
Office of Chennai Police Commissioner,
Vepery, Egmore, Chennai.
2. The Deputy Commissioner of Police,
Deputy Commissioner Office,
Washermenpet, Chennai-600 021.
3. The Inspector of Police,
H-3, All Women Police Station,
Washermenpet, Chennai-21.
3. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1824 of 2025