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HCP No.1927 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.1927 of 2025 & CrI.M.P.No.19204 of 2025

K.M.Suganya
D/o.Late Mahilingam

.. Petitioner

Vs.

1.The Superintendent of Police,
District Police Office
Salem

2.The Inspector of Police,
Thevur Police Station,
Thevur, Salem District.

3.Gunasekar

4.Mallika

5.G.Pratheep

.. Respondents

(R5 impleaded vide order dated 24.10.2025 made in CrI.M.P.No.19204 of 2025 in HCP.No.1927 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 1 and 2 to produce the petitioner daughters Nakshatra aged 4



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years from the illegal custody of the respondents 3 and 4 before this Court and handover custody of the petitioner.

For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.A.Damodaran for R1 & 2
Additional Public Prosecutor
Mr.C.Prakasam for R3, 4 & 5

ORDER

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

This petition has been filed seeking a direction to the respondents 1 and 2 to produce the petitioner's daughter Nakshatra aged 4 years from the illegal custody of the respondents 3 and 4 before this Court and handover custody of the petitioner.

2. CrI.M.P.No.19204 of 2025 is filed to implead the petitioner/proposed respondent as the 5th respondent in the above HCP. This petition is ordered, accordingly.

3. The petitioner is the mother of four years girl child Nakshatra has filed the instant HCP for production of the minor girl child which is



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admittedly in the custody of her husband.

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4. This Court is of the view that if any of the child is in the custody of natural guardian, such custody cannot be construed as illegal detention to invoke Habeas Corpus jurisdiction. If at all the petitioner is aggrieved over such custody by the respondent father, her remedy lies before the jurisdictional civil court seeking custody or visitation rights. *Ergo*, this Court is of view that Habeas Corpus Petition is not maintainable for production of the minor child, since the child is not in illegal custody.

5. With the above observation, this Habeas Corpus Petition is closed.

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

Index: Yes/No
dhk

To

1. The Superintendent of Police,
District Police Office
Salem



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

dhk

2.The Inspector of Police,
Thevur Police Station,
Thevur, Salem District.

3.The Public Prosecutor,
High Court, Madras.

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