



*H.C.P.No.1988 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2025

CORAM

**THE HON'BLE MR.JUSTICE P.VELMURUGAN  
AND  
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN**

H.C.P.No.1988 of 2025

V.Krishnapriya

... Petitioner

Vs

1. The Inspector of Police,  
Kurinjipadi Police Station,  
Cuddalore District.

2. A.Vaithiyanathan

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to direct the 1<sup>st</sup> respondent herein to produce the persons by name Jayapradha aged about 5 ½ years female child and Varun aged about 4 ½ years male child, who are the children of the petitioner herein before this Court and handover to the petitioner forthwith.

For Petitioner : Mr.A.Kanakavelappan

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor for R1



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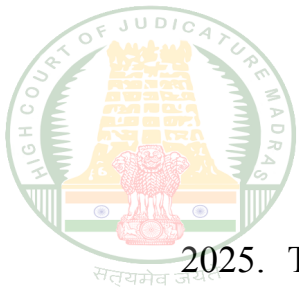
## **ORDER**

[Order of the Court was made by **P.VELMURUGAN, J.,**]

This Writ of Habeas Corpus Petition is filed seeking a direction to the first respondent-Police to produce Jayapradha, aged about 5 ½ years and Varun, aged about 4 ½ years, who are children of the petitioner herein before this Court and handover to the petitioner forthwith.

2. According to the petitioner, the marriage between the petitioner and the second respondent herein was solemnized on 19.09.2018. Out of their lawful wedlock, the minor child Jayapradha, was born on 07.07.2019 and they were also blessed with son viz., Varun, who was born on 19.10.2020. The second petitioner is working in a MNC Company at Dubai. So that the petitioner stayed along with her children at Matrimonial House. While that being so, due to difference of opinion between the petitioner and the second respondent, when the second respondent after returning from Dubai during the year 2024, he forcibly took the children along with him and went to his mother's house. Hence, the petitioner lodged a complaint on 13.09.2025 to the first respondent-Police and the same was assigned with C.S.R.No.555 of

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2025. The grievance of the petitioner is that now the petitioner is not aware of the whereabouts of her children. Hence, the present petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and also perused the materials available on record.

4. It is relevant to state that Habeas Corpus petition would lie only against unlawful or illegal detention and not against the natural guardian, who is one of the custodian of the children. The second respondent herein is the father of the children, who is natural and biological guardian and hence, Habeas Corpus Petition will not applicable against the second respondent. Therefore, this Habeas Corpus Petition is dismissed. However, the petitioner is at liberty to work out her remedy before the competent Court for appropriate remedy.

**(P.V., J) (G.A.M., J)**

**03.10.2025**

ms/mk

Speaking order/non-speaking order

Index : Yes/no

Internet : Yes/no



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To

1. The Inspector of Police,  
Kurinjipadi Police Station,  
Cuddalore District.
2. The Public Prosecutor,  
High Court, Madras.



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**P.VELMURUGAN, J.**  
**AND**  
**G.ARUL MURUGAN, J.**

ms/mk

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