



H.C.P.No.2166 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.12.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.2166 of 2025

M.Pavithra, W/o Pratabkumar

.. Petitioner

Vs.

1. The Superintendent of Police,
Ranipet District, Ranipet.

2. The Inspector of Police,
SIPCOT Police Station,
Ranipet District.

3. Indirani, W/o Kumar

4. Preethi, D/o Kumar

.. Respondents

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Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to direct the respondents 1 and 2 to bring and produce petitioner's minor child, named P.Ashvitha, aged about 5 years, now under the illegal custody of the respondents 3 and 4 and hand over to the petitioner.

For petitioner : M/s.D.Bharathy

For respondents: Mr.A.Damodaran, Addl.P.P.

assisted by Mr.M.Karthikeyan for RR-1 and 2

Mr.V.Sukumar for RR-3 and 4

ORDER

(The Order of the Court was made by P.Velmurugan, J)

The petitioner has filed this Habeas Corpus Petition seeking a direction to respondents Nos.1 and 2 to produce the petitioner's minor child, namely P.Ashvitha, aged about 5 years, who is stated to be under the alleged illegal



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custody of respondents Nos.3 and 4, and to hand over custody of the minor child to the petitioner.

2. The petitioner herself has stated in the petition that the custody of the child was with respondents Nos.3 and 4, who are none other than the mother and sister of the deceased father of the child, i.e., the mother-in-law and sister-in-law of the petitioner.

3. This Court, vide order dated 31.10.2025, as an interim measure, directed that the petitioner shall stay with the child along with the mother-in-law for the present, as the mother-in-law expressed no objection to the petitioner's stay. This arrangement was made to enable both parties to create a conducive atmosphere for strengthening the bond between the petitioner and the child.



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4. It is to be noted that this is not a case of illegal detention of the minor child warranting invocation of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The whereabouts of the child were at all times known to the petitioner, and it is not the case of the petitioner that the child was taken, kidnapped, or abducted. Upon the demise of the father of the child, who was the husband of the petitioner, the minor came to be in the care and custody of the mother and sister of the deceased husband. Any dispute relating to the custody or guardianship of a minor child, particularly where such custody has arisen in the ordinary course of family circumstances and involves disputed questions of fact, cannot be adjudicated in a summary proceeding under Habeas Corpus Petition. Resolution of such disputes requires a detailed enquiry into the welfare of the child and the respective rights of the parties, which can be undertaken only by the competent Civil or Family Court in proceedings instituted in accordance with law. Entertaining a Habeas Corpus Petition in such circumstances would amount to converting an extraordinary



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constitutional remedy into a substitute for statutory custody proceedings, which is impermissible in law.

5. Accordingly, this Habeas Corpus Petition is not maintainable and is dismissed. However, the parties are at liberty to work out their remedies in accordance with law before the competent Court.

(P.V.,J) (M.J.R., J)

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1. The Superintendent of Police,
Ranipet District, Ranipet.
2. The Inspector of Police,
SIPCOT Police Station,
Ranipet District.
3. The Public Prosecutor, High Court, Madras.



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M.JOTHIRAMAN, J

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