



HCP.No.2466 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.2466 of 2025

Major Sakthivel V.

... Petitioner

Versus

1. The Commissioner of Police,
Coimbatore – 641 001.
2. Inspector of Police,
Sulur Police Station,
Ranganathpuram, Sulur,
Coimbatore – 641 402.



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... Respondents

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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, directing the respondents-Police to produce the petitioner's son aged about 1 year 7 months before this Court from the illegal custody of the 3rd respondent and handover the child to the petitioner.

For Petitioner : Mr.V.Chandrasekaran

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Mr.M.Karthikeyan
for R1 and R2

ORDER

(Order of the Court was made by P.VELMURUGAN J.)

This Writ of Habeas Corpus Petition has been filed seeking a direction to the respondents-Police to produce the minor child S.Aadheeran, son of Major Sakthivel V., aged about 1 year 7 months, from the alleged illegal



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custody of the third respondent and to handover the custody to the petitioner/father.

2. It is the case of the petitioner that he married V.Pooja on 18.01.2021, and a male child S.Adheeran was born on 10.03.2024. The petitioner's wife committed suicide on 16.07.2025, and an F.I.R in Crime No.116 of 2025 was registered against him at Jodhpur. After her demise, the petitioner's mother-in-law, the third respondent herein temporarily took the child for performing rituals. Thereafter, she failed to return the child, switched off her mobile phone and the whereabouts of the child remain untraceable. The petitioner being the biological father and natural guardian, lodged a complaint on 31.10.2025 before the respondents-Police, but no effective action has been taken. Hence, he has filed present petition seeking production and custody of the minor child.



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3. Heard both sides and perused the materials available on record.

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4. A reading of the affidavit filed in support of this petition reveals that the dispute is essentially between the petitioner and his mother-in-law regarding the custody of the minor child and the minor child is presently in the custody of the third respondent/mother-in-law. Since the issue pertains to child custody governed by personal law, the appropriate remedy lies before the competent forum, and the Writ Court cannot exercise its jurisdiction in such matters.

5. In these circumstances, this Court is not inclined to interfere with the custody dispute between the petitioner/father and the third respondent/mother-in-law. The parties are at liberty to work out their remedies before the competent Court in the manner known to law. Accordingly, the Habeas Corpus Petition stands dismissed.



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[P.V.,J.] [M.J.R.,J.]

05.12.2025

Index: Yes/No

Neutral Citation: Yes/No

ms

To

1. The Commissioner of Police,
Coimbatore – 641 001.
2. The Inspector of Police,
Sulur Police Station,
Ranganathpuram, Sulur,
Coimbatore – 641 402.
3. The Public Prosecutor
High Court, Madras.



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