



HCP.No.2611 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No. 2611 of 2025

M.Nandha Kumar
S/o.Manavalan

... Petitioner/

Versus

1. The Commissioner of Police,
Greater Chennai, Chennai.
2. The Deputy Commissioner of Police,
Anna Nagar District, Chennai.
3. The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai – 600 106.
4. Jayalaxmi
W/o.S.Anbu
5. Ranjith
S/o.S.Anbu

.. 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 to produce his minor daughters (i) Ananya, aged 8 years (ii) Rithaniya, aged 4 years before this Court and set them liberty.

For Petitioner : Mr.P.Anandan
M/s.Majestic Law Firm
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem

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 petitioner's minor daughters Ananya (aged about 8 years) and Rithaniya (aged about 4 years), before this Court from the alleged illegal custody of the fourth respondent and to entrust their custody to the petitioner.

2. The case of the petitioner is that he married one Ragini, and through the wedlock, they were blessed with two minor daughters Ananya and Rithaniya. On 16.03.2025, his wife passed away and thereafter, the



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petitioner has been solely taking care of the children. It is alleged that respondents 4 and 5, who are the mother-in-law and brother-in-law of the petitioner, forcibly took away the minor children from his lawful and natural custody. The petitioner states that he had lodged a complaint regarding the said incident, but despite repeated representations, no effective steps have been taken by the Police to secure the minors. Hence, the present petition.

3. Heard the submissions made by the learned counsel on either side and perused the materials available on record.

4. On a perusal of the materials placed on record, it is seen that the grievance projected by the petitioner arises out of a custody dispute between him and the fourth respondent – maternal grandmother of the minor children. The allegations made by the petitioner clearly disclose that the issue relates to the claim of guardianship and the right to have custody of the minors, which are matters to be adjudicated upon by the appropriate forum under the provisions of the Guardian and Wards Act, 1890, or before the competent Civil Court exercising jurisdiction in such matters.



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5. It is well settled that a Writ of Habeas Corpus is maintainable only in cases where there is *prima facie* material to show unlawful or illegal detention. In the present case, the minors are stated to be in the custody of their maternal grandmother, and such custody, even if disputed by the petitioner, cannot be termed as illegal so as to warrant interference by this Court under Article 226 of the Constitution of India. The remedy of the petitioner lies before the competent Court.

6. In view of the above, this Court is of the considered opinion that the present Habeas Corpus Petition is not maintainable. Accordingly, the Habeas Corpus Petition stands closed. However, both the parties are directed to approach the competent Court and seek appropriate remedy in the manner known to law.

[P.V.,J.] [M.J.R.,J.]
11.12.2025

Index: Yes/No
Neutral Citation: Yes/No
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