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H.C.P. No.2664 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.12.2025

Coram:

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

H.C.P. No.2664 of 2025

Sivalingam

.. Petitioner

Vs.

1. The Superintendent of Police
Tiruvannamalai District

2. The Inspector of Police
Pachal Police Station
Tiruvannamalai District
Crime No.213 of 2025

3. Nawaz

.. Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue direction based on FIR dated 21.11.2025 in Crime No.213 of 2025, on the file of 2nd respondent and direct the 2nd respondent herein to produce the petitioner's daughter Bhuvaneshwari and grandson Shivaguru (aged 7 months old) and handover to the petitioner.

For Petitioner : Mr.S.Silambuselvan

For Respondents : Mr.a.Damodaran

Additional Public Prosecutor
assisted by Mr.M.Karthikeyan



H.C.P. No.266 of 2025

ORDER

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

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This Habeas Corpus Petition has been filed to issue a direction based on the FIR dated 21.11.2025 in Crime No.213 of 2025, on the file of the 2nd respondent and direct the 2nd respondent herein to produce the petitioner's daughter Bhuvaneshwari and grandson Shivaguru (aged 7 months old) before this Court and handover to the petitioner.

2. The case of the petitioner is that the first detainee namely Bhuvaneshwari is the daughter and the second detainee namely Shivaguru (aged 7 months old infant) is the grandson of the petitioner. The petitioner's daughter Bhuvaneshwari was given into marriage with one Silambarasan and out of wedlock, they have got three children aged 5 years, 2 years and 7 months old infant. On 19.11.2025 at about 11.30 p.m., the son-in-law of the petitioner had called the petitioner and enquired as to whether his daughter and the 7 months old grandson had come to his house. As the detainees had not come to the parental home, the petitioner searched for the detainees along with his son-in-law. However, they could not trace them out. Hence, the petitioner had lodged a complaint before the 2nd respondent police based on which, the FIR in Crime No.213 of 2025 came to be registered on 21.11.2025 for 'Woman Missing and Boy Missing'. However, the 2nd respondent police had not taken any effective steps to secure the detainees. Hence, the present petition has been filed.



3. The learned counsel for the petitioner submitted that on enquiry with the neighbors and friends of the first detenu, the petitioner learnt that his daughter and grandson were under illegal custody of the 3rd respondent herein. He further submitted that the petitioner is struggling with other two children of the first detenu who are aged 5 and 2 years respectively.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2/Police submitted that the investigation revealed that the first detenu eloped with the 3rd respondent along with the 2nd detenu (infant child) and it is alleged that the 2nd detenu was born through the 3rd respondent.

5. It is seen that the petitioner knows about the whereabouts of the detenues. The first detenu is an adult and she has voluntarily eloped with the 3rd respondent along with the 2nd detenu (infant child) who is her son. Further, the first detenu is one of the natural guardians of the 2nd detenu. Therefore, there is no question of illegal custody. Hence, this Court is not inclined to entertain this petition.

6. However, the petitioner is at liberty to workout his remedy in the manner known to law.

7. The respondents police are directed to investigate the matter in Crime No.213 of 2025 and proceed the case further in accordance with law.



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8. With the above observations and direction, this Habeas Corpus Petition is disposed of.

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(P.V., J) (M.J.R., J)
18.12.2025

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Neutral Citation: Yes/No



H.C.P. No.266-1014040

To

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



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H.C.P. No.2664 of 2025

P.VELMURUGAN, J

and

M.JOTHIRAMAN, J

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