



WEB COPY



HCP.No.2734 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE P. DHANABA L

HCP.No.2734 of 2025

S.Senthil Kumar

... Petitioner

Vs.

1. State Rep by
Deputy Superintendent of Police,
Dharmapuri District.
2. The State
Rep.by Inspector of Police,
B1, Dharmapuri Police Station.
3. Kalaiarasi Jayapal
4. K.Jayapal

5. S.Kalavathi ... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India seeking issuance of direction in the nature of writ of Habeas Corpus to direct the respondents herein to produce the petitioner's minor children namely Kavin Senthil Kumar and Krithik Senthil Kumar before this Court from the illegal custody of respondents 3 to 5 and set them at liberty.

For Petitioner : Mr.M.Ashwin Kumar

For Respondents : Mr.A.Gokulakrishnan

Additional Public Prosecutor
for R1 and R2



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ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

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The present Habeas Corpus Petition has been instituted to direct the respondents to produce the petitioner's minor children viz., Kavin Senthil Kumar and Krithik Senthil Kumar before this Court from the illegal custody of respondents 3 to 5 and set them at liberty.

2. The case of the petitioner is that, he married 3rd respondent on 09.02.2012 as per the Hindu rights and customs. Out of the wedlock, two male children were born. While so, due to matrimonial dispute, both the petitioner and the 3rd respondent left the matrimonial home and living separately. According to the petitioner, two minor children remained to be in the custody of the petitioner and when the petitioner left abroad, the children were in the custody of petitioner's parents and taking advantage of absence of the petitioner, the third respondent took the custody of the minor children. Hence the present writ petition.

3. The learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2, on instructions, would submit that the minor children are in the custody of 3rd respondent / mother of the minor children and they are happily living.



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4. In view of the above submission made by the learned Additional Public Prosecutor that the minor children are with the custody of the mother, the said custody cannot be termed as an illegal detention warranting interference from the hands of this Court by admitting the habeas corpus petition.

5. Thus, the petitioner has not established any prima facie case for entertaining the present habeas corpus petition and consequently, the same stands dismissed.

[S.M.S., J.] [P.D.B., J.]
26.12.2025

Index: Yes
Speaking order
veda/gpa

To

1. The Deputy Superintendent of Police,
Dharmapuri District.
2. The Inspector of Police,
B1, Dharmapuri Police Station.



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S.M.SUBRAMANIAM, J.

AND

P. DHANABAL.J.

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