



H.C.P.(MD) No.118 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

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G.Rajasekar

... Petitioner/  
Husband & Father of the Detenue

-Vs-

1.The Superintendent of Police,  
Korampallam,  
Thoothukudi District,  
Thoothukudi.

2.The Superintendent of Police,  
Tirunelveli District,  
Tirunelveli.

3.The Inspector of Police,  
Taluk Police Station,  
Thiruchendur,  
Thoothukudi.

4.The Inspector of Police,  
Kalakkadu Police Station,  
Tirunelveli District,  
Tirunelveli.

5.Mr.Manickavasakam Pandaram  
6.Mrs.Vennila

... Respondents

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**PRAYER:** Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondent No.1 and 4 to produce the person or body of the detenue Minor Pragathesh aged about 9 years, son of G.Rajasekar and Minor Ananya, aged about 5 years daughter of G.Rajasekar, before this Court and further the custody of the petitioner's children Minor Pragathesh and Minor Ananya be handed over to the petitioner.

For Petitioner : Mr.T.Antony Arulraj  
For R1 to R4 : Mr.E.Antony Sahaya Prabahar  
Additional Government Pleader

**ORDER**

**DR.G.JAYACHANDRAN, J.**

**AND**

**R.POORNIMA, J.**

The husband of the petitioner has filed the Habeas Corpus Petition alleging that his wife is eloped with the sixth respondent along with two minor children.

2.On notice, the respondent police has secured the girl and two children and they were produced before this Court.

3.On interacting with the wife of the petitioner, it appears that due to matrimonial discard, the wife of the petitioner has gone to her mother's house at



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Peikulam 1 ½ years ago and she has admitted both the children in a school at Peikulam. The children are pursuing 3<sup>rd</sup> and 1<sup>st</sup> standard respectively. This Court also interacted with the children and found that they are staying with the mother and the grand-mother.

4.The wife of the petitioner alleges that the petitioner suspecting her morality. Being harassed her pyhsically and mentally she was forced to leave the company of the petitioner and take shelter under her mother. She also alleges that her records like Aadar Card, Birth Certificate of the children are with the petitioner and he refuses to give those records to her.

5.This Court is of the opinion that it is a case of matrimonial dispute and the dispute regarding the custody of the children. The petitioner has to work out his remedy before the appropriate forum. The wife and the children of the petitioner are not in illegal custody. Hence, this petition stands dismissed.

**[G.J., J.] & [R.P., J.]**

**07.02.2025**

NCC : Yes / No  
Index : Yes / No



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**AND**

**R.POORNIMA, J.**

*Ns*

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