



H.C.P.(MD) No.186 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.02.2025

CORAM:

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

AND

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

H.C.P.(MD)No.186 of 2025

T.Saranya

... Petitioner

-Vs-

1. The Superintendent of Police,
Madurai,
Surveyor Colony,
Madurai District.

2. The Inspector of Police,
Samayanallur Police Station,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondents 1 and 2 to secure and produce the body or person of the detainee, namely Minor. Madhu Sree, D/o. Vimal Arasan, before this Court and entrust the detainee's custody to the petitioner.

For Petitioner : Mr.G.Sakthi Rao

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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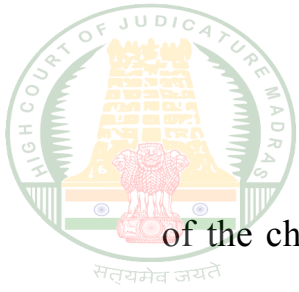
ORDER

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

This habeas corpus petition is filed by the mother alleging that the father of the minor child, who has been living separately deserting his wife, had forcibly taken the child, while the child was in the school van. Hence, the mother is before this Court seeking habeas corpus.

2. On the complaint given by the mother, who is the petitioner herein, the respondent police has registered a case in CSR No.76 of 2025 and also, on receipt of the notice in this habeas corpus petition, has secured the father and the minor child.

3. On Interaction with the petitioner and the father of the minor child, this Court finds that due to the matrimonial discard, the father deserted his wife and the child and living separately for more than one year. All of a sudden, he has thought fit to take custody of the child forcibly, when the child was attending the school. It is also stated that for the past 10 days, the child is not attending the school. This Court is of the view that if the father is interested in taking custody



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of the child, it should be done in the manner known to law, and not illegally. It

should not be a forcible removal of the custody from the mother. Hence, this habeas corpus petition is allowed. The minor child, who is present in this Court, shall be handed over to the petitioner herein, who is the mother, forthwith.

[G.J., J.] & [R.P., J.]
10.02.2025

NCC : Yes / No
Index : Yes / No
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To

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Madurai,
Surveyor Colony,
Madurai District.
2. The Inspector of Police,
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