



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 18.02.2025**

**CORAM:**

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN  
AND  
THE HON'BLE MS JUSTICE R.POORNIMA**

**H.C.P(MD)No.224 of 2025**

Vetrivel

... Petitioner/Father of the detenu

.Vs.

1.The Commissioner of Police,  
Office of the Commissioner of Police,  
Madurai City.

2.The Inspector of Police,  
Theppakulam Police Station,  
Madurai City.

3.Pandi

4.Lakshmi

5.Saiva Thurai @ Manikandan

... Respondents

**PRAYER:** Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to direct the respondents to produce the body or person of the Petitioner son namely, Sakthitharan, aged one and half years old son son of



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Vetrivel and hand over the custody of the child to the Petitioner.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.E.Antony Sahaya Prabahar  
1 and 2 Addl.Public Prosecutor

For Respondents : Mr.A.Karthick  
3 to 5

### **ORDER**

(Order of the Court was made by **DR.G.JAYACHANDRAN.,J**)

This Habeas Corpus Petition is filed by the father of 1 ½ years old son by name, Sakthitharan, born on 19.11.2024.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.On 22.11.2023, the Petitioner's wife died due to cancer. At that time, the custody of the child been taken by the private respondents 3 to 5 who claims to be the relatives of his wife.The efforts taken by the Petitioner to get back the child gone futile. Hence the present Habeas Corpus Petition is filed for issuance of a



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Writ of Habeas Corpus to bring the body of the minor child.

4.Today, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 brought the minor child and the interaction with the respondents 3 to 5 reveals that they have certain grievance against the Petitioner in not attending his wife's ailment properly and not taking steps to take care of the child, after the death of his wife. In any event, these accusations are only verbal and there is no material to substantiate those allegations. The fact being so, the Petitioner, who is the natural guardian of the minor child is entitled to have the custody of the child. The respondents 3 to 5 cannot deprive the rights of the Petitioner, when there is no material to show that the Petitioner/father is disqualified to be the guardian and custodian of the minor child.

5.In view of the above facts, the Habeas Corpus Petition is allowed and the respondents 3 to 5 are directed to hand over the custody of minor child Sakthiharan, aged 1 ½ years to the Petitioner, forthwith.

**[G.J.,J.]      [R.P.,J.]**  
**18.02.2025**



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NCS : Yes/No

Index : Yes / No

Internet : Yes / No

vsn

To

1.The Commissioner of Police,  
Office of the Commissioner of Police,  
Madurai City.

2.The Inspector of Police,  
Theppakulam Police Station,  
Madurai City.

**Copy to**

The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**DR.G.JAYACHANDRAN, J.**  
**and**  
**R.POORNIMA, J.**

vsn

**JUDGMENT MADE IN**  
**H.C.P(MD)No.224 of 2025**

**18.02.2025**