



H.C.P.(MD) No.273 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2025

CORAM:

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

AND

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

HCP(MD)No.273 of 2025

Janani

... Petitioner/Mother of
the Detenu

-Vs-

1.State of Tamil Nadu rep by
The Commissioner of Police,
Trichy City Corporation,
Trichy-620021.

2.The Inspector of Police,
Cantonment All Women's Police Station,
Cantonment,
Trichy-620001

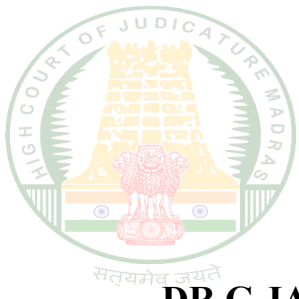
3.Alamelu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 & 2 to produce the petitioner's son namely Sanjith(2 years), S/o.Suryamurthy, or his body before this Court and hand over his custody to the petitioner.

For Petitioner	: Mr.Mohana Vickram
For R1 & R2	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor
For R3	: Mr.R.Ilayaraja

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ORDER

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

The petitioner, when she was in bud minor, had given birth to a male child viz., Sanjith due to her affair with one Suriyamurthy. She has handed over the child in the custody of the third respondent, who is none other than the cousin of the petitioner and the fourth respondent, who is the husband of the third respondent. Now, after two years, when she wanted back the child after legally getting marriage to Suriyamurthy. It appears, the third and fourth respondents not handing over the child. In this connection, the third respondent has already filed G.W.O.P.No.61 of 2024 before the Principal District Judge, Krishnagiri. The said O.P was dismissed for default on 11.12.2024 and restoration petition is filed and the same is pending. In the said circumstances, the present Habeas Corpus Petition is filed for production of the child.

2.Today the third and fourth respondents have brought the minor boy Sanjith, aged around 2 years. The petitioner and her husband Suriyamurthy are also present.



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3.The learned counsel for the petitioner states that the child was not voluntarily given to the third respondent, but to avoid ignominy to the family, the parents of the in bud mother handed over the child to the third respondent.

4.Whereas, the third respondent states that the child was given on his birth and till now, the petitioner had not taken any interest to take care of the child. Therefore, the third respondent has filed G.W.O.P. Due to her inability to attend the Court on 11.12.2024, the petition was dismissed and knowing about that she has taken steps to restore the same.

5.In view of the disputed facts regarding the best interest of the child, this Court directs the petitioner and the third respondent to workout their remedy in the G.W.O.P, petition provided the third respondent succeed in her restoration petition within 30 days from today. Failing which, the third respondent is directed to hand over the child to the petitioner, who is the mother of the child/natural guardian. Till the disposal of the G.W.O.P.No.61 of 2024, the petitioner is at liberty to visit the child along with her husband as and when she desires.



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6. With the above observation and direction, the Habeas Corpus Petition is disposed of.

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

03.03.2025

NCC : Yes / No

Index : Yes / No

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Trichy-620001

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