



HCP(MD)No.307 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.04.2025

CORAM

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

AND

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

H.C.P.(MD)No. 307 of 2025

M.Velsamy

.. Petitioner /Father of
Detenue

Vs.

The State of Tamilnadu, Rep by,

1. The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
Kulathur South Police Station,
Thoothukudi District.

3. Balasubramani

4. Subbulakshmi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a ***Writ of Habeas Corpus***, directing the respondents 1 to 2, to produce the Corpus or person of the Detenue Karthi (Minor) (age 6 months) son of Velsamy from the illegal Custody of the 3 to 4 respondents before this Court and hand over custody to the petitioner.



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For Petitioner : Mr. B.Vinoth Kumar
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

The petitioner herein is the father of a six-month-old baby. His wife died at the time of delivery. Due to some misunderstandings before the child's birth, his wife had been staying at her parents' house during the time of delivery and her subsequent death. The child is currently being taken care of by the fourth respondent, who is the maternal grandmother. Alleging that the toddler is under the illegal custody of the third and fourth respondents, who are the maternal grandparents, the present Habeas Corpus Petition has been filed.

2. Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that, upon receipt of the notice, the third and fourth respondents were summoned and enquired. They informed



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that they have instituted G.W.O.P. No. 226 of 2025 before the Court below,
and the matter is now pending before the said Court.

3. Taking into consideration the facts and disputes between the parties, and keeping in mind the best interest of the child, including the issue of guardianship to be decided by the Trial Court in accordance with law, this Habeas Corpus Petition stands dismissed to avoid any precipitation of the issue.

[G.J., J.] & [R.P., J.]
25.04.2025

NCC :Yes/No
Index:Yes/No
Internet:Yes/No
KSA

To

1. The Superintendent of Police,
Thoothukudi District.
2. The Inspector of Police,
Kulathur South Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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