



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

DATED :09.04.2025

CORAM:

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

H.C.P(MD)No.321 of 2025

Dharma Muneeswaran

... Petitioner/Father of the detenus

.Vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

3.Nithiya

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to direct the respondents 1 and 2 to produce the body or person or the Petitioner's children namely, Raja Raja Cholan Dharma, son of Dharma Muneeswaran, aged about 6 years and Sangamithra, daughter of Dharma Muneewaran, aged about 5 years and hand over their custody to the Petitioner within the time stipulated by this Court.



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For Petitioner : Mr.S.Sathyachidambaram

For Respondents : Mr.A.Thiruvadi Kumar
1 and 2 Addl.Public Prosecutor

For Respondent-3 : Mr.S.Atham Ali

ORDER

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

The Habeas Corpus Petition is filed seeking a direction to the respondents 1 and 2 to produce the body or person or the Petitioner's children namely, Raja Raja Cholan Dharma, son of Dharma Muneeswaran, aged about 6 years and Sangamithra, daughter of Dharma Muneewaran, aged about 5 years and hand over their custody to the Petitioner within the time stipulated by this Court.

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

3.Two children of the Petitioner, who were pursuing the course in National Academy Matriculation School at Ramanathapuram have been forcibly taken by



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his estranged wife with the help of his relatives. In this connection, a case in Crime No.115 or 2025 was registered on 1.3.2025, under Sections 189(2), 126(2) and 140(3) of B.N.S,2023. There was several litigations and complaints against each other. However, the fact remains that the minor children were under the custody of the Petitioner till 28.02.2025. On that day, Nithiya, her father Murugaiya and mother Thanalakshmi had come from Chengalpattu and had forcibly taken the children from the school campus at Ramanathapuram. Being a family dispute and custody of the children are involved, forcibly taking over of the custody of the children is not legally permissible. If the mother in any way aggrieved by the custody of the children with the father and in the interest of the children, she should resort to legal process and not by illegal means.

4.In this case, on notice, the police has secured the children as well as the mother, who has taken the custody of the children forcibly and produced before this Court. This Court is of the opinion that if at all the mother needs the custody of the children, she has to work out her remedy in the manner known to law. She cannot adopt short-cut method to take the custody of the children. Therefore without adverting to the merits of the case, the act of taking forcible custody of



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the children taken note by this Court, allow this Habeas Corpus Petition. The respondents 1 and 2 Police are directed to get the custody of the children and handover them to the Petitioner.

[G.J.,J.] [R.P.,J.]
09.04.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

- 1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

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

ORDER MADE IN
H.C.P(MD)No.321 of 2025

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