



H.C.P(MD)No.651 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

AND

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

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K.Mari Prakash

... Petitioner/
Father of the detenue

-Vs-

The State of Tamil Nadu through
1.The Commissioner of Police,
Madurai City.

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

3.Vennila

4.Saravanakumar

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents No.1 and 2 herein to secure and produce the body or person of the detenue namely minor



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M.Mrithunjayan, S/o.Mari Prakash, aged about 5 years before this Court and hand over the custody of the petitioner.

For Petitioner : M/s.G.Vishnuram
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 & R4 : Mr.Yazakhem

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

This petition is filed to direct the first and second respondents to secure and produce the body or person of the detinue namely minor M.Mrithunjayan, S/o.Mari Prakash, aged about 5 years before this Court and hand over the custody of the petitioner.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first and second respondents.

3. This Court on an earlier hearing finding that the custody of the child is with the biological mother and also finding that the Surrogacy laws and adoption laws has been flouted by the petitioner by an order dated 16.06.2025 had directed



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the first respondent to depute Mrs. Anitha, Deputy Commissioner of Police, South to enquire into the matter and file a report.

4. Pursuant to the same, report was filed by the first respondent. As per the report it is seen that the petitioner had manipulated the records of the hospital and by furnishing false information had obtained birth certificate from the Corporation as if one Shylaja is the mother of the child. The petitioner appeared before this Court and submitted that since his wife is unable to bear a child to him he had begotten the child through the third respondent and since she had taken the child without his knowledge he had filed the application. He apologized for his act. To show his bonafide and without prejudice to his rights he offered to deposit a sum of Rs.5,00,000/- favouring the child and he agreed to that the interest from the fixed deposit amount can be used for the welfare and maintenance of the child.

5. Today the third respondent along with the child is present before this Court. When we enquired the third respondent she submitted that she is not willing to accept the deposit.



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6. Having found that there is no illegal detention of the child, we do not want to proceed further. Hence this Habeus Corpus Petition stands closed with liberty to the parties to approach appropriate forum. The observations made are for the purpose of disposing this petition and it will not have a bearing in any subsequent application filed seeking for custody.

[A.D.J.C.,J.] & [R.P.,J.]
02.07.2025

NCC:Yes/No

Index:Yes/No

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To

- 1.The Commissioner of Police,
Madurai City.
- 2.The Inspector of Police,
Theppakulam Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA.,J.

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ORDER MADE IN
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