



H.C.P(MD) No.671 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.06.2025

CORAM:

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

AND

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

H.C.P(MD)No.671 of 2025

Soorya Tilak Ganesh

... Petitioner/
Father of the detenu

-Vs-

The State of Tamil Nadu rep. by its

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

2.The Inspector of Police,
All Women Police Station,
Valliyur,
Tirunelveli District.

3.Kanaka Nithya

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the first and second respondents to produce the person or body of the detenu namely Samrat Karnan Thilak Suriya, S/o.Suriya Tahilak Ganesh, aged about 3 1/2 years before this Court and handover the custody to the petitioner.

Page 1 of 6



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H.C.P(MD) No.671 of 2025

For Petitioner : Mr.S.K.Nagaraj
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 : Mr.S.Palanivelayutham

ORDER

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

This petition has been filed by the petitioner seeking for a direction to direct the first and second respondents to produce the person or body of the detenu namely Samrat Karnan Thilak Suriya, S/o.Suriya Tahilak Ganesh, aged about 3 1/2 years before this Court and handover the custody to the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 & 2 and Mr.S.Palanivelayutham, learned counsel appearing for the third respondent.

3. Alleging that the petitioner's minor child aged 3 1/2 years is in the illegal custody of the third respondent, the present habeas corpus petition has been filed.

4. The learned counsel for the petitioner would submit that the third respondent is the wife of the petitioner and she is keeping the custody of the 3 1/2

Page 2 of 6



H.C.P(MD) No.671 of 2025

years old child. The third respondent's parents and the third respondent are preventing him from visiting the child and that the third respondent is also threatened the petitioner stating that she will kill the child and apprehending danger to the child's life, the present habeas corpus petition is filed.

5. The learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that the third respondent is none other than the wife of the petitioner. There are matrimonial disputes between the petitioner and the third respondent. The third respondent had earlier given a complaint to the second respondent and a case in Cr.No.21 of 2025 has been registered against the petitioner for the offences under Sections 498(A), 406 and 506(i) IPC. The petitioner is well aware that the child is with the custody of the mother. Further, the petitioner has also filed a transfer application before this Court seeking for transfer of investigation in Cr.No.21 of 2021 to Kerala and the case has also been transferred to Tiruvandrum. He would submit that the third respondent has been enquired and the child is in her custody.

6. The learned counsel for the third respondent would submit that due to the matrimonial dispute pending between the petitioner and the third respondent, the third respondent was driven out of the matrimonial home and the third



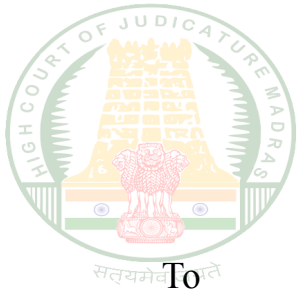
H.C.P(MD) No.671 of 2025

respondent has given a complaint against the petitioner. He would submit that the third respondent is being the natural guardian of the child and he would seek for dismissal.

7. Considering the above, the third respondent is none other than the mother of the child and she is the natural guardian and child is not under the illegal custody, this petition is dismissed. However, the parties are at liberty to agitate their respective rights before the concerned forum.

[A.D.J.C., J.] & [R.P., J.]
20.06.2025

NCC:Yes/No
Index:Yes/No
am



H.C.P(MD) No.671 of 2025

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Tirunelveli District.
- 2.The Inspector of Police,
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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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