



H.C.P.(MD) No.822 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD) No.822 of 2025

Pandi

... Petitioner/
Father of the Detenue

-VS-

The State of Tamil Nadu,
1.The Superintendent of Police,
Tuticorin District,
Tuticorin.

2.The Inspector of Police,
Arumuganeri Police Station,
Dindigul.

3.Sundari

4.Babu

5.Muthu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents 1st and 2nd to secure the body or



H.C.P.(MD) No. 822 of 2025

WEB COPY

person of the detenu namely Vinoth, S/o.Pandi, aged about 11 years and produce him before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.A.Ferozkhan
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 to R5 : Mr.C.M.Arumugam,
for Mr.A.Raja

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Habeas Corpus Petition is filed for a direction to the respondents 1st and 2nd to secure the body or person of the detenu namely Vinoth, S/o.Pandi, aged about 11 years and produce him before this Court and hand over the custody to the petitioner.

2.The case of the petitioner is that he was married to one Latha and on 05.10.2013, the missing person viz., Vinoth, was born and now he is 11 years old. In the year 2018, the petitioner had acquired a property in Tsunami Nagar and resided therein. Due to financial constraints and to discharge their liabilities, the petitioner had taken the employment in abroad. The petitioner's wife and his son alone were residing in the said property. During the petitioner's absence, the



H.C.P.(MD) No.822 of 2025

WEB COPY

respondents No.3 to 5, who are residing in the adjacent premises, established a relationship with the petitioner's wife and his son resulting in his son had frequently going to their residence and they had developed a cordial relationship. During the petitioner's visit, the respondents 3 to 5 maintained a cordial relationship with the petitioner and thereby the petitioner has also permitted his son's visits to their home. In such circumstances, on 30.08.2024, the petitioner's wife had passed away due to ill health. Since the petitioner had to leave abroad for work, he had left his son at the residence of the respondents No.3 to 5, based on the trust. Later when the petitioner had returned from abroad and asked the respondents 3 to 5 to send his son along with him, they had refused to send his son along with him and engaged in a quarrel with him and also threatened him not come again seeking for his son and they had forcibly taken the keys of the house, which is his property. On 17.06.2025, the petitioner had lodged a complaint before the second respondent police, for which, C.S.R.No.483 of 2025 was issued and an enquiry was conducted. During the enquiry, the respondents 3 to 5 had refused to hand over the custody of his son. Alleging that the custody of the petitioner's son is illegally in the hands of the respondents 3 to 5, the present Habeas Corpus Petition is filed.



H.C.P.(MD) No.822 of 2025

WEB COPY3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. When the matter was listed on 18.07.2025, the child was produced before this Court and this Court had arranged an interim arrangement that the custody of the child to be with the petitioner, who is the biological father and natural guardian of the child and the matter was directed to be listed on 22.07.2025.

5. Today when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner is taking steps to admit the boy in a Government School at Moongilpatti, Dindigul and he is taking steps to get the transfer certificate from the school.

6. In view of the above, we find that the petitioner being the biological father and natural guardian of the child is entitled to the custody of his child. The respondents 3 to 5 are not related to the child and apart from that, they are neighbours of the petitioner and they cannot be entrusted the custody of the child. Thereby, the custody of the child is handed over to the petitioner. We direct the



H.C.P.(MD) No.822 of 2025

WEB COPY

Protection Officer, CWC, Dindigul, to monitor the welfare of the child once in a month and file a report.

7.With the above observation and direction, this Habeas Corpus Petition stands closed.

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

22.07.2025

NCC : Yes / No

Index : Yes / No

NS

To:

- 1.The Superintendent of Police,
Tuticorin District,
Tuticorin.
- 2.The Inspector of Police,
Arumuganeri Police Station,
Dindigul.
- 3.The Protection Officer,
CWC, Dindigul,
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD) No.822 of 2025

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

NS

H.C.P.(MD) No.822 of 2025

22.07.2025