



H.C.P(MD)No.847 of 2025

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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.847 of 2025

N.Sumathi

... Petitioner/
Grandmother of the detenue

-Vs-

1.The State of Tamil Nadu,
represented through its,
The Superintendent of Police,
Trichy District,
Trichy.

2.The State of Tamil Nadu,
represented through its,
The Inspector of Police,
Kottai Police Station,
Kottai
Trichy District.

3.R.Vidhya

4.Sasikumar

5.K.Ravichandran

1/6



H.C.P(MD)No.847 of 2025

WEB COPY

6.R.Ilanjiyam

7.Kalarani

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the petitioner's grand-daughter Minor.Vithvika Sri, D/O.Late.Vijayan, aged about 3 years before this Court, who is under the illegal custody of the respondent Nos.3 to 7 and handover the custody to the petitioner by considering her representation dated 30.06.2025.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.B.Nambi Selvan (for R1 & R2)
Additional Public Prosecutor

ORDER

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

This Writ Petition is filed to direct the respondents 1 and 2 to produce the petitioner's grand-daughter Minor.Vithvika Sri, D/O.Late.Vijayan, aged about 3 years before this Court, who is under the illegal custody of the respondent Nos. 3 to 7 and handover the custody to the petitioner by considering her representation dated 30.06.2025.



H.C.P(MD)No.847 of 2025

WEB COPY

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2 .

3.The case of the petitioner is that the petitioner's son Vijayan had married the third respondent namely, R.Vidya and out of their wedlock, they had a minor daughter, who is aged about 3 years. All of a sudden, on 18.09.2023, the petitioner's son had committed suicide. After his demise, the petitioner had been taking care of the third respondent/daughter-in-law and granddaughter and maintaining them. While so, the parents of the third respondent had taken steps to arrange marriage for the third respondent with the fourth respondent. On 06.06.2025, they had trespassed into the petitioner's house and abducted her grand-daughter and taken away the third respondent's articles including Sreethana's things and jewels from the petitioner's house. Thereafter, the petitioner had given a complaint to the Musiri Police Station. Based on which, they are conducted enquiry in C.S.R.No.417 of 2025 and the petitioner later learnt that the respondents 3 to 7 have decided to kill her grand child. Apprehending danger to the life of the granddaughter, the present Habeas Corpus petition is filed.



H.C.P(MD)No.847 of 2025

WEB COPY

4.The learned Additional Public Prosecutor on instructions, would submit that based on the complaint given by the petitioner, enquiry has been conducted in C.S.R.No.417 of 2025, by the All Women Police Station, Musiri. The third respondent is none other than the petitioner's daughter-in-law, and the allegedly missing minor child is the daughter of the third respondent. The third respondent being the biological mother has custody of the child and therefore, it is not illegal detention. During the enquiry, the petitioner has appeared before the Musiri Police station on 26.06.2025 and she is well aware of the same. The counter allegation have also been made by the third respondent contending that the petitioner has taken away her jewels and benefits of her husband and driven out of her from the matrimonial home and she also refused to hand over the child.

5.In view of the above, this Court finds that the petitioner is well aware that the granddaughter, aged about 3 years, is in the custody of her mother/the third respondent and therefore, the process of this Court is misused by the petitioner. Hence, this Court is inclined to dismiss this petition. If the petitioner has to take any steps to have custody, she has to approach the appropriate forum.



H.C.P(MD)No.847 of 2025

WEB COPY

6. Accordingly, this Habeas Corpus Petition stands dismissed.

[A.D.J.C.,J.] & [R.P.,J.]
22.07.2025

NCC: Yes/No

Index: Yes/No

vsg

To

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



WEB COPY



H.C.P(MD)No.847 of 2025

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

vsg

ORDER MADE IN

H.C.P(MD)No.847 of 2025

22.07.2025