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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2025

CORAM:

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

AND

THE HONOURABLE **MRS JUSTICE L.VICTORIA GOWRI**

H.C.P(MD)No.966 of 2025

A.Saravanan ... Petitioner/Father of the detenu

-Vs-

1.The State of Tamil Nadu,
The Superintendant of Police,
Office of the Superintendant of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Othakadai Police Station,
Madurai District,
Madurai.

3.Ms.Selvarani
4.Mr.Paranjothi
5.Mss.Maha ... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondent Nos.1 and 2 to

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produce the body or person of the detenu by name Poonguzhali, daughter of A.Saravanan, aged about 11 years, before this Court and entrust the custody to the petitioner.

For Petitioner : Mr.S.Malaikani

For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition is filed for a direction to the respondent Nos. 1 and 2 to produce the body or person of the detenu by name Poonguzhali, daughter of A.Saravanan, aged about 11 years, before this Court and entrust the custody to the petitioner.

2.The case of the petitioner is that she got married to the third respondent on 02.02.2014 at Thirupathur and out of the wedlock, a girl child viz., Poonguzhali, was born on 01.11.2014, aged about 11 years. The third respondent was working in Dubai. While so, due to misunderstanding, the petitioner and the third respondent had ffiled an application for divorce by mutual consent in H.M.O.P.No.1428 of 2023 before the Family Court, Madurai and divorce was granted on 30.05.2024. Before the filing of divorce petition, the petitioner and the

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third respondent executed a mutual divorce agreement in the presence of witness and as per the said agreement, the third respondent has to take care of the petitioner's daughter by admitting her in a school in Dubai and he has also agreed that the child will be brought to India during the school vacation and the petitioner who was working in Singapore would come from Singapore and that she would have custody of the child during vacation. The petitioner also used to contact her duaghter twice or thrice a week and from 12.05.2025, the petitioner could not contact her daughter and her number was blocked by the third respondent. On 16.07.2025, only after the intervention of the second respondent, the petitioner was able to speak to his daughter and his daughter had informed that she was not with the third respondent and she was with the fifth respondent who is residing in Sharjah and thereby contending that the custody of his daughter with the fifth respondent is illegal, the present Habeas Corpus Petition is filed.

3.The learned Additional Public Prosecutor appearing for the respondents submitted that the petitioner had sent a complaint through registered post on 30.07.2025, but the petitioner has not appeard in person. From the records, it is seen that only on mutual agreement between the parties, the custody of the child had been handed over to the thrid respondent, the wife of the petitioner and that the custody is with the third respondent wife and that the child is not under illegal

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detention.

4.Having gone through the records, we find that the custody of the child had been granted by a mutual agreement between the parties. In the event of any violation of agreement, the petitioner ought to have approached the appropriate forum and this is not a forum for seeking custody of the child. However, we make it clear that the observations are made only to dispose the HCP. Therefore, the petitioner is at liberty to approach the appropriate forum seeking visitation right or the custody of the child.

5.In view of the above, the Habeas Corpus Petition stands dismissed.

[A.D.J.C., J.] & [L.V.G., J.]
13.08.2025

NCC : Yes / No
Index : Yes / No
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Madurai District,
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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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A.D.JAGADISH CHANDIRA, J.

AND

L.VICTORIA GOWRI, J.

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