



HCP(MD). No.1026 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE Mr.JUSTICE R.VIJAYAKUMAR

HCP. (MD). No.1026 of 2025

Ganesan

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep, by the Commissioner of Police,
Office of City Commissioner
Madurai District

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

3.Packiya Priya

4.Rajkumar

... Respondents

PRAYER :-Habeas Corpus Petition filed under Article 226 of the Constitution of India to direct the respondents Nos.1 and 2 to produce the person or body of the petitioner's daughter namely Subhasri D/o.Ganesan aged about 13 years and Nisha, D/o.Ganesan aged about 10 years before this Court and hand over the custody to the petitioner.



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For Appellant : Mr.R.Senthilkumar

For Respondents : Mr.A.Thiruvadikumar for R1 and R2

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN, J.)

The Habeas Corpus Petition has been filed by a father complaining that his two daughters aged about 13 and 10 respectively should be produced before the Court and their custody must be handed over to him. They are now in the custody of the third respondent/their mother/wife of the petitioner.

2. In the affidavit, it had been stated that the third respondent is the sister's daughter of the petitioner. There were frequent quarrel between him and the third respondent. It is stated that the third respondent had entered into a relationship with the 4th respondent. It had been stated that the wife of the 4th respondent had earlier committed suicide in a suspicious manner. He had relied on an unconnected earlier order in HCP (MD) No.1564/2024 and on the basis of the said order, claimed that the custody of the children must be handed over to him.



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3. A Coordinate Bench of this Court had directed the parties to appear for mediation. The first report of the mediation indicated that the mediation process was under way. However, the 3rd respondent did not appear for the subsequent dates of mediation. In the meanwhile, the 3rd respondent had also filed HMOP No.1171/2025 against the petitioner seeking divorce. That petition is pending before the Family Court, at Madurai. The marital issues will have to be decided only before that particular forum.

4. Today, the 3rd respondent is present with her two children. They are studying in school and she is also working. The petitioner is also present. If the petitioner seeks custody of his two children, then, he will have to move the appropriate Court seeking appropriate relief. We cannot hold that the two children are in unlawful custody of their mother/third respondent. If the petitioner has any grievance against the 3rd respondent, then, he will have to work out his remedy by filing necessary application seeking custody of the children under the relevant statute.



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5. In view of these reasons, the Habeas Corpus Petition stands closed giving liberty to the petitioner to take up the issues raised before the appropriate forum by filing necessary/appropriate petitions.

[C.V.K,J]

[R.V,J]

03.11.2025

NCC : Yes/No

Index : Yes/No

RR

To

1. The Commissioner of Police,
Office of City Commissioner
Madurai District

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

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.



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C.V.KARTHIKEYAN J.
AND
R.VIJAYAKUMAR, J.

RR

ORDER
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