



H.C.P.(MD)No.1164 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD)No.1164 of 2025

Muthaiyan

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Thanjavur District, Thanjavur.
2. The Inspector of Police,
Tamil University Police Station,
Thanjavur, Thanjavur District.
3. K.Indhira
4. K.Kaviyarasan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure and produce the body or person of the detenue M.A.Niteesh, S/o.P.Muthaiyan, aged about 5 years, before this Court, and hand over the custody to the petitioner.



WEB COPY



H.C.P.(MD)No.1164 of 2025

For Petitioner : Mrs.S.Prabha
For Respondents : Mr.A.Thiruvadikumar,
Addl. Public Prosecutor for R1 & R2
Mr.T.Leninkumar for R3 & R4

ORDER

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

Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor, who takes notice for the respondents 1 and 2, and the learned counsel, who takes notice for the respondents 3 and 4.

2. The petitioner is the father of a young boy, aged 5 years and it is complained that the boy is in the custody of respondents 3 and 4/mother-in-law of the petitioner and brother-in-law of the petitioner. The wife of the petitioner had died under suspicious circumstances and in this regard, an FIR in Crime No.394 of 2025 had been registered under Section 194 of the BNSS, 2023. The issue is under investigation. The main complaint of the petitioner is that the young boy, aged 5 years, has not gone to school and therefore, he is deprived of his education. But, the



H.C.P.(MD)No.1164 of 2025

WEB COPY

investigation is to be focused with respect to FIR in Crime No.394 of 2025, to determine the cause of death of the wife of the petitioner herein.

The petitioner always has alternate remedies under the Statute and before the competent Courts established to examine guardianship and custody of a minor child. As on date, we hold that the child is not in unlawful custody. The maternal grandmother of the child has also every right to hold the child in her custody, till the competent Court decides the issues.

3. Since there are effective alternate judicial forums available and the Statute also provides for filing an application before the competent Court for custody including visitation rights, this Habeas Corpus Petition stands dismissed.

[C.V.K., J.]

[R.V., J.]

22.09.2025

vsm
NCC :Yes/No
Index: Yes/No
Internet: Yes/No



WEB COPY



H.C.P.(MD)No.1164 of 2025

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

vsm

To

1. The Superintendent of Police,
State of Tamilnadu,
Thanjavur District,
Thanjavur.
2. The Inspector of Police,
Tamil University Police Station,
Thanjavur,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P.(MD)No.1164 of 2025

22.09.2025