



H.C.P.(MD)No.1397 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.1397 of 2025

S.Premalatha

... Petitioner

-VS-

State of Tamil Nadu Rep. by
1.The Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Perunali Police Station,
Ramanathapuram District.

3.M.Juliet Flarence

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents herein to secure and produce the body or person of the detenu namely S.Selva Sowmiya, D/o.Premalatha, aged about 4 years and 10 months, who was illegally detained by the respondent No.3 before this Court and hand over the custody to the petitioner.



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For Petitioner : Mr.C.Senthil Murugan
For R1 & R2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R3 : Mr.R.Prakash

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

This habeas corpus petition has been filed for a direction directing the respondents to produce the petitioner's minor daughter, namely S.Selva Sowmiya, D/o.Premalatha, aged about 4 years and 10 months, who was illegally detained by the respondent No.3 before this Court and hand over the custody to the petitioner.

2. On a perusal of the records reveal that the petitioner got married to one Samuvelruban and gave birth to a female child. Now she is aged about 4 years. Due to misunderstanding between the petitioner and her husband, the petitioner is living separately and the child is very much in the custody of her husband and also taking care of by the third respondent, who is none other than the own sister of her husband.



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Therefore, the habeas corpus petition is not maintainable and it is dismissed. If the petitioner wants to have a custody of her child, she has to approach the appropriate forum for appropriate relief. Custody of the minor child with the father would not amount to kidnapping of a child and there is no illegal custody.

[G.K.I., J.] [R.P., J.]

08.12.2025

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



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To

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Ramanathapuram District.
- 2.The Inspector of Police,
Perunali Police Station,
Ramanathapuram District.
- .The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K. ILANTHIRAIYAN,J.
AND
R. POORNIMA,J.

am

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