



H.C.P.(MD)No.1396 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2025

CORAM:

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

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Vinu Joseph

... Petitioner

-VS-

1.State of Tamil Nadu,
Represented by its
Superintendent of Police,
Madurai District,
Alagarkoil Main Road,
Madurai-625 002.

2.The Inspector of Police,
C2 Subramaniyapuram Police Station,
near Roundtana, Tirupparankunram Road,
Palananatham, Madurai-625 003.

3.Ajantha Varadharaj

4.Varadharaaj

5.Jothi Varadharaaj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus, for the production of the body



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and person of the petitioner's minor daughter Baby Akshara Vinu, aged about 1 year 11 months, before this Court from the illegal custody of respondent Nos.4 and 5 and hand over her custody to the petitioner.

For Petitioner : Mr.Sricharan Rangarajan,
Senior Counsel
for Mr.Amogh Simha

For Respondents : Mr.A.Thiruvadikumar,
Addl. Public Prosecutor for R1 & R2

Mr.S.Arivalagan for R3 to R5

O R D E R

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

This petition has been filed by a father seeking production of his minor daughter, aged about one year and 11 months and born on 29.11.2023, who he contends is in the custody of the fourth and fifth respondents / his father-in-law and mother-in-law.

2. The petitioner had sent a complaint to the second respondent through post, which had been acknowledged by the second respondent and it had been assigned as C.S.R.No.511 of 2025, dated 25.11.2025.



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This petition had however been filed earlier on 20.11.2025. Be that as it may, it is informed that the petitioner and the third respondent were married on 25.10.2021 and they were residing at Salt Lake City at USA and continued to residing in USA. Owing to various disputes in the marital relationship, the third respondent had travelled to India and had come over to Madurai to be with her parents along with the child. We also understand that divorce proceedings are now pending before the jurisdictional Court at USA. The petitioner had also filed a Guardianship and Wards Original Petition before the Family Court at Madurai seeking custody of the minor child. Initially, he had sought a permission to be represented by his mother and that Interlocutory Application was taken up for consideration and notice was issued to respondent Nos.3 to 5 and the same was received by the respondent Nos.3 to 5 on 17.07.2025 for the hearing date scheduled on 15.09.2025. We are informed that in the interregnum period on 30.07.2025, the third respondent had relocated herself back to USA. The petitioner had then come down to this country and is now at Bangalore. Complaining that the third respondent had abandoned the child and relocated herself at USA and that there is every



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possibility of the child being shifted from her natural place of residence at Madurai, this petition has been filed. There is a representation on behalf of third, fourth and fifth respondents also.

3. The learned counsel stated that the child having been born in USA is a citizen of USA and therefore, steps have already been taken to relocate the child to USA. However, since G.W.O.P has been filed and Section 9(1) of the Guardians and Wards Act, 1890, provides that the jurisdictional Court is the Court within whose territorial limits the minor ordinarily resides, it would only be in the interest of all parties that the matter is agitated before the Family Court at Madurai, relating to the custody of the child.

4. The petitioner has also sought permission to visit and have access to the child. In fact, even during the hearing today, we have permitted him to have a brief interaction with the child. The fourth and fifth respondents are also present before this Court.



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5. The learned counsel appearing for the respondents stated that the respondents have no objection for the petitioner or his mother in coming to Madurai and interacting with the child.

6. The learned Senior counsel appearing for the petitioner stated that the petitioner would prefer to interact with the child during every weekend for a reasonable period of time.

7. We tentatively propose that he can visit the child at the Legal Services Authority Buildings at Madurai District Court Complex every first and third Saturdays between 11.00 a.m. and 03.00 p.m., along with his parents and we are confident that the fourth and fifth respondents would have no objection for this interim arrangement. If the child is to be removed from the jurisdiction within Madurai, necessary permission may be obtained from the Family Court at Madurai, where the custody case is now pending. The said request may be adjudicated on merits by the said Court.



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8. The child is now in the custody of the fourth and fifth respondents / maternal grand-parents and cannot be termed as being in illegal custody.

9. We are informed that the birthday of the child falls on 29.11.2025. The petitioner and his relatives may visit the child, spend quality of time with her and wish her on her birthday at the Heritage Hotel, Madurai, between 01.00 p.m., to 06.00 p.m on that date.

10. Accordingly, the Habeas Corpus Petition stands closed.

[C.V.K., J.] [R.V., J.]

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TSG



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- To**
- 1.The Superintendent of Police,
Madurai District,
Alagarkoil Main Road,
Madurai-625 002.
 - 2.The Inspector of Police,
C2 Subramaniyapuram Police Station,
near Roundtana, Tirupparankunram Road,
Palananatham, Madurai-625 003.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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

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