



H.C.P.(MD)No.1432 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

and

THE HONOURABLE MS.JUSTICE R.POORNIMA

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K.Chitra

... Petitioner

-VS-

1. The Superintendent of Police
Office of the Superintendent,
Dindigul District
2. The Deputy Superintendent of Police
Ottanchathiram Sub Division,
Dindigul District
3. The Inspector of Police
Sempatti Police Station
Dindigul District

4. M.Murugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing respondent Nos.1 to 3 to produce the petitioner's son/Tamil Murugan aged 4 years 9 months who is found missing from 13.10.2025 before this Court and hand over the child.



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For Petitioner : Mr.A.Sivasubramanian

For Respondents : Mr.R.M.Anbunithi
No.1 to 3 Additional Public Prosecutor

ORDER

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

This Habeus Corpus Petition has been filed to direct the respondents 1 to 3 to produce the petitioner's son/Tamil Murugan aged 4 years 9 months who is found missing from 13.10.2025 before this Court and hand over the child.

2. The petitioner got married with the fourth respondent and gave birth to the male child and thereafter due to some misunderstanding with each other and got separated. Further the fourth respondent is now facing charges for the offences under Sections 366(A) of IPC and Section 9 of Prevention of Child Marriage Act and Section 9 of the Prevention of Child Marriage Act and Section 5(1) r/w. Section 6 of POCSO Act. Under these circumstances the minor child is now under the custody of the fourth respondent. Therefore the



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petitioner lodged complaint before the third respondent alleging that her minor son is now under illegal detention at the hands of the fourth respondent.

3. Admittedly the fourth respondent is the husband of the petitioner and father of the minor child. The custody of the child with the father cannot be construed as illegal detention. If at all any misunderstanding between the petitioner and the fourth respondent the petitioner ought to have approached the appropriate forum regarding custody of the minor child.

4. In view of the same, the Habeas Corpus Petition stands dismissed.

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

09.12.2025

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To

1. The Superintendent of Police
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Dindigul District
2. The Deputy Superintendent of Police
Ottanchathiram Sub Division,
Dindigul District
3. The Inspector of Police
Sempatti Police Station
Dindigul District
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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and
R.POORNIMA, J.

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