



H.C.P.(MD)No.1477 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2025

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY**

H.C.P.(MD)No.1477 of 2025

P.Manojeetha

... Petitioner/
Mother of the Detenu

-VS-

State of Tamil Nadu rep. by
1.The Superintendent of Police,
O/o.Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
S.S.Kottai Police Station,
Singampunari Taluk
Sivagangai District.

3.The Inspector of Police,
All Women Police Station,
Thirupathur,
Sivagangai District.

4.Sivakumar
5.Annapoorani
6.Sugantha Lakshmi

... Respondents

Page 1 of 7



H.C.P.(MD)No.1477 of 2025

WEB COPY

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 produce the person or the body of the petitioner's unnamed Infant Male baby, aged about 4 months son of Sivakumar before this Court and hand over custody to the petitioner.

For Petitioner	:	Mr.S.Vanchinathan
For R1 to R3	:	Mr.R.M.Anbunithi
		Additional Public Prosecutor
For R5	:	Mr.C.Jeganathan

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 1 & 2 to secure and produce the petitioner's 4 months male baby before this Court.

2. The petitioner is the mother of the four months male baby. She got married the fourth respondent on 10.06.2024. Due to their wedlock, she got pregnant and the fourth respondent is working in Abroad. On 01.08.2025 the petitioner delivered premature twins. In which, one baby died. Thereafter, due to treatment, the petitioner got admitted in a private



H.C.P.(MD)No.1477 of 2025

WEB COPY

hospital and the child was taken by the fourth and fifth respondents, who are the husband and mother-in-law of the petitioner. The fourth respondent went to Abroad for his avocation. After the treatment, though the petitioner requested the fifth respondent to hand over the child, the fifth respondent refused to give the custody of the child to the petitioner. Therefore, the petitioner lodged a complaint and she was issued with C.S.R.No.371 of 2025, on the file of the third respondent.

3. Today, the petitioner and the fifth respondent appeared before this Court. The fifth respondent deposed that she has no objection to visit the petitioner's child in her house. She never has any issue with the petitioner, who is being the daughter-in-law. She further deposed that the child was born prematured and she is take care of the child and has given treatment for the prematured child in a private hospital at Madurai for the past four months. The petitioner never visited her house and never cared about the child. Only after four months, she lodged a complaint before the third respondent and she has no objection for the petitioner to visit the child on her house and to see the child.



H.C.P.(MD)No.1477 of 2025

WEB COPY

4. The petitioner deposed before this Court that she has some issue with the fifth respondent and she does not want to go with the house of the fifth respondent. She is also ready to give treatment to the child in the same hospital. Her house is situated within 2 or 3 kilometers from the house of the fifth respondent. Now, the fourth respondent is in Abroad for his avocation.

5. Now four months old male baby is in the custody of the fifth respondent and the fifth respondent is providing Cow Milk to the baby. When the mother is verymuch ready and willing to take care of the child and the mother feed is verymuch essential for the premature baby, this Court is inclined to issue a direction to the fifth respondent to hand over the four months male baby to the petitioner, within a period of one week from today. It is also made clear that the fifth respondent shall accompany with the petitioner whenever the petitioner going for hospital for giving treatment to the baby in a private hospital. The fifth respondent can visit the baby in the petitioner's house. Further, the fourth respondent whenever return to India, he can also visit the baby in the petitioner's house. Further, the petitioner is also directed to stay in the



H.C.P.(MD)No.1477 of 2025

WEB COPY

fifth respondent's house, whenever, time permits.

6. With the above directions, this habeas corpus petition is disposed of.

[G.K.I., J.] [K.R., J.]
19.12.2025

am
NCC :Yes/No
Index: Yes/No
Internet: Yes/No



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- 1.The Superintendent of Police,
Sivagangai District.
- 2.The Inspector of Police,
S.S.Kottai Police Station,
Singampunari Taluk
Sivagangai District.
- 3.The Inspector of Police,
All Women Police Station,
Thirupathur,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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H.C.P.(MD)No.1477 of 2025

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AND
KRISHNAN RAMASAMY,J.

am

H.C.P.(MD)No.1477 of 2025

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