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H.C.P.No.114 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.114 of 2026

Karthicka

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Ulundurpet, Kallakurichi District.

2. The Inspector of Police,
All Women Police Station,
Ulundhurpet, Kallakurichi District.

3. Manikandan

... Respondents

Prayer: This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India to issue Writ of Habeas Corpus to direct the respondents 1 and 2 to produce the body of the petitioner's child namely Pugaliniyan S/o.Manikandan aged 7 month breastfeeding child, before this Court from the illegal custody of the third respondent and hand over the child to the petitioner.

For Petitioner : Mr.T.Meganathan

For Respondents : Mr.A.Damodaran, Addl. Public Prosecutor
Assisted by Mr.M.Karthikeyan for RR1 & 2



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ORDER

(Order of the Court was made by P.VELMURUGAN, J.)

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This Habeas Corpus Petition has been filed seeking directions to the respondents 1 and 2 to produce the petitioner's breastfeeding child namely Pugaliniyan S/o.Manikandan aged 7 month, before this Court from the illegal custody of the third respondent and hand over the child to the petitioner.

2 Learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that the petitioner is mother of the detenue namely Pugaliniyan S/o.Manikandan aged 7 month. The third respondent is none other than the father of the detenue. Further based on the complaint given by the petitioner, a case was registered in CSR.No.422 of 2025.

3 It appears that there is family dispute and dispute regarding custody of the child. The petitioner and the third respondent are being mother and father of the child, both are natural guardian. Therefore there is no illegal custody as alleged by the petitioner.



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In the cases of custody of the children, the interest and welfare of the children must always be the Court's paramount consideration, which needs evidence and the same cannot be decided by the Writ Court. The petitioner has efficacious remedy before the Family Court or the Civil Court, as the case may be.

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In view of the above reasons, we are not inclined to exercise power under Article 226 of the Constitution of India and this Habeas Corpus Petition stands dismissed. However the petitioner is at liberty to workout her remedy in the manner known to law.

[PVJ]

[MJRJ]

23.01.2026

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To

1. The Deputy Superintendent of Police, Ulundurpet, Kallakurichi District.
2. The Inspector of Police, All Women Police Station, Ulundhurpet, Kallakurichi District.
3. The Additional Public Prosecutor, Madras High Court.



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P.VELMURUGAN. J.
and
M.JOTHIRAMAN, J.

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