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H.C.P.No. 117 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.117 of 2026**

Roobini

... Petitioner

**Vs.**

1. The Superintendent of Police,  
Puducherry.

2. The Inspector of Police,  
Bahour Police Station,  
Puducherry.

3. Ajay Ensteen Raj

4. Gnanraj

5. Selvakumar

... 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 petitioner's minor son named Riyan Joshva aged 5 years and daughter Ms.Rayelyn Anah aged 2 years, who are under the illegal custody of respondents 4 and 5 based upon the complaint dated 07.01.2026 and hand over to the petitioner.



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For Petitioner : Mr.V.Parthiban for Mr.M.Manimaran  
For Respondents : Mr.M.V.Ramachandra Murthy  
Public Prosecutor (Puducherry)  
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**ORDER**  
**(Order of the Court was made by P.VELMURUGAN, J.)**

This Habeas Corpus Petition has been filed seeking directions to the respondents 1 and 2 to produce the petitioner's minor children Riyan Joshva aged 5 years and Rayelyn Anah aged 2 years and to handover their custody to the petitioner.

2 The petitioner is mother of the detenues Riyan Joshva aged 5 years and Rayelyn Anah aged 2 years. The third respondent is none other than the father of the detenues and the respondents 4 and 5 are uncles of the third respondent.

3 Learned Public Prosecutor submitted that the detenues are in the custody of the third respondent, who is none other than the father of the detenues and IDOP.No.139 of 2026 is pending to dissolve the marriage and GWOP No.73 of 2026 is also pending for custody of the children.

4 It appears that there is family dispute and dispute regarding custody of the minor children. The petitioner and the third respondent are being mother and father of



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the detainees, both are natural guardian. Therefore there is no illegal custody as alleged by the petitioner.

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5 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. Further already the petitions seeking dissolution of marriage and custody of the children are pending before the Court below, where the petitioner can very well avail her remedy.

6 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 Superintendent of Police, Puducherry.
2. The Inspector of Police, Bahour Police Station, Puducherry.
3. The Additional Public Prosecutor, Madras High Court.



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

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