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H.C.P.No.159 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2026

Coram:

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

H.C.P.No.159 of 2026

Josephine Arockiya Rani

...Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai,
Veppery, Chennai – 600 007.

2. The Inspector of Police,
All Women Police Station,
Taramani, Chennai.

3. S.Dhinesh

... Respondent

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 female child Navira, aged about 4 years, before this Court and handover the custody of the minor female child to the petitioner.

For Petitioner : Mr.S.L.Venkatesan

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 minor female child namely Navira, aged about 4 years, before this Court from the illegal custody of the third respondent and hand over the child to the petitioner.

2 Learned counsel for the petitioner would submit that the petitioner is mother of the detainee and the third respondent illegally detained the petitioner's minor daughter namely Navira, aged about 4 years.

3 Learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that the petitioner is mother of the detainee and the third respondent is none other than the father of the detainee. Further based on the complaint given by the petitioner, a case was registered in CSR.No.89 of 2025 and the same is pending enquiry.

4 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



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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 factual aspects has to be proved and whether the third respondent is acting against the interest and welfare of the child, needs evidence, which cannot be adjudicated in the writ petition. The petitioner has efficacious remedy before the Family Court or the Civil Court, as the case may be.

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 laws.

[PVJ]

[MJRJ]

29.01.2026

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To

1. The Commissioner of Police, Greater Chennai,
Veppery, Chennai – 600 007.

2. The Inspector of Police, All Women Police Station, Taramani, Chennai.

3. The Additional Public Prosecutor, Madras High Court.

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and
M.JOTHIRAMAN, J.

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