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H.C.P. No.186 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.02.2026

Coram:

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

H.C.P. No.186 of 2026

H.Nithyakalyani alias Nivedha Bhai alias Nivedha

.. Petitioner

Vs.

1. The Superintendent of Police
Salem

2. The Inspector of Police
All Women police Station
Ammamet
Salem

3. R.Hari Rao

.. Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to direct the 2nd respondent herein to produce the body of the petitioner's minor child namely H.Tarun S/o.Hari Rao, aged 3 years before this Court and hand over to the petitioner.

For Petitioner : Mr.K.Bommuraj
For R1 and R2 : Mr.A.Damodaran
Additional Public Prosecutor
assisted by M.Karthikeyan



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H.C.P. No.180 of 2025

ORDER

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

This Habeas Corpus Petition has been filed to direct the 2nd respondent herein to produce the body of the petitioner's minor child namely H.Tarun S/o.Hari Rao aged 3 years before this Court and hand over to the petitioner.

2. The petitioner is the mother of the detenu who is aged about 3 years. Admittedly, the detenu is with the custody of the 3rd respondent, who is none other than the father of the detenu and he is also one of the natural guardians of the detenu. It is seen that there is a family dispute between the spouses/the petitioner and the 3rd respondent. The 3rd has already filed a divorce petition and the same is pending before the Family Court, Salem in H.M.O.P.No.1022 of 2025. This Court cannot interfere with the family matters and custody of children. Hence, this Court is not inclined to entertain this Petition.

3. Accordingly, this Habeas Corpus Petition is dismissed. However, the petitioner is at liberty to workout her remedy before the Family Court in the pending H.M.O.P.

(P.V., J) (M.J.R., J)
03.02.2026

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Neutral Citation: Yes/No

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To

1. The Superintendent of Police
Salem
2. The Inspector of Police
All Women police Station
Ammamet
Salem
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

and

M.JOTHIRAMAN, J

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