



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 799 of 2026

Subashini
W/o.Rajesh,
No.27 Sastri Salai,
Periyar Nagar, Virugampakkam,
Aminjikarai Taluk,
Chennai - 92.

..Petitioner(s)

Vs

1. The Commissioner of Police,
No.132 EVK Sampath Road,
Vepery, Chennai – 07.
2. State Rep. by its,
The Inspector of Police,
W-35 All Women Police Station, Koyambedu,
Chennai.
3. Rajesh,
S/o. Prabhakaran,
No.33, Muthu Mariamman Kovil Street,
18, Chinna Othivakkam,
Kancheepuram -603 202.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue Writ, order or direction in the nature of WRIT OF HABEAS CORPUS directing the 1st and 2nd respondents to produce the petitioner's minor daughter namely Rathiainthini, Female aged 1½ years, D/o. Rajesh before this Hon'ble Court and handed over her custody to the petitioner.



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For Petitioner(s):

S.Senthilvel

For Respondent(s):

Mr.C.R.Malarvannan, (for R1 & R2)
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

Read this order in continuation of and in conjunction with earlier orders,
dated 29.04.2026 and 30.04.2026, wherein we have noted as follows:-

29.04.2026

Mr. R. Muniyapparaj, learned Additional Public Prosecutor accepts notice for the official respondents and Mr.Murali Kumaran, learned senior counsel accepts notice for R3.

2. Both the petitioner and R3 are present in Court. The detenue is a 1 1/2 year old child born to the two of them. They have both expressed their consent to go for mediation of their disputes.

3. The parties are hence referred to mediation at 3.30 p.m. today. Registry is directed to transfer this file to the Mediation centre forthwith. Upon conclusion of the mediation session today, R3 is directed to hand over the detenue/child – R.S.Rathiainthini, to the petitioner until further orders of the Court.

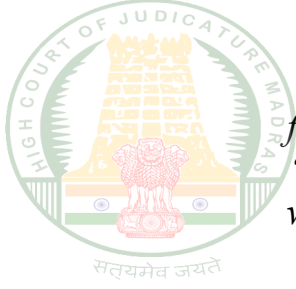
4. The mediator at liberty to explore all options for reconciliation of their differences including in regard to the visitation of R3.

5. List on 30.04.2026 for compliance.

30.04.2026

Read this order in continuation of and in conjunction with order dated 29.04.2026.

2. In part compliance of our directions, we are informed that the child has been handed over to the petitioner and the interim report of the mediator dated 29.04.2026 states as



follows:-

'Mr.Rajesh hand over the child to his wife Subashini Both are willing to live together, for that they need time.'

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3. *As the mediation report indicates that the visitation of the child is being decided upon qua the parties, we do not say anything on that aspect now.*

4. *List on 01.06.2026.*

2. The custody of the 1 ½ half year old baby girl child is now with the petitioner, the mother. It is open to the third respondent to approach the petitioner in order that he may spend some time with the child as well. If such a request is made, the petitioner will consider that in proper perspective and permit the father also to spend some time with the child in her presence.

3. We say nothing more in relation to custody of the child and the parties are liberty to approach the appropriate form in this regard.

4. This Habeas Corpus Petition is closed. No costs.

(A.S.M.,J.) (S.M.,J.)
01-06-2026

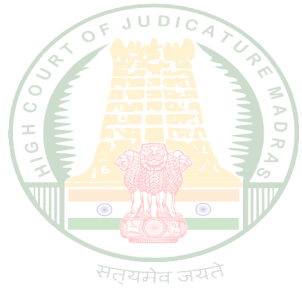
Index: Yes/No

Neutral Citation: Yes

ssm

To

1. The Commissioner of Police
No.132 EVK Sampath Road, Vepery, Chennai
07
2. The Inspector of Police,
W-35 All Women Police Station, Koyambedu,
Chennai.
3. The Public Prosecutor, High Court, Madras.



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**DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.**

SSM

HCP No. 799 of 2026

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