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H.C.P.No.1001 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2026

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.1001 of 2026

Sheeba Chelladurai
W/o.Murugan

....

Petitioner

Vs

The State rep by

1. The Deputy Commissioner of Police,
Deputy Commissioner Office,
Avadi, Chennai.

2. The Inspector of Police,
Thiruverkadu Police Station,
Thiruverkadu, Chennai.

3. D.Murugan

4. Dhandapani

5. D.Meenakshi

....

Respondents



H.C.P.No.1001 of 2026

Prayer :

Habeas Corpus filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the 1st and 2nd respondents to produce the petitioner's 3 ½ year minor child (Pranish) and 5 ½ year minor child (Lithanya) before this Court and hand over to the petitioner's custody.

For Petitioner : Mr.J.Chandran Sundar Sashikumar
for Mr.P.Arumugam

For Respondents : Mr.C.R.Malarvannan
Counsel for Government of
Tamil Nadu (Criminal Side)
for R1 and R2

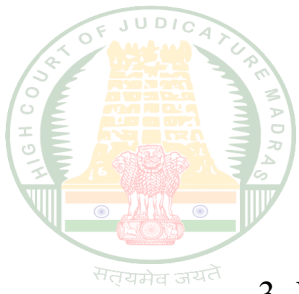
Mr.K.Kumaran, for R3

ORDER

(Order of the Court was made by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The writ petitioner and the third respondent are wife and husband and through the wedlock, two children were born. The children are presently in the physical custody of the third respondent. The petitioner has filed the present Habeas Corpus Petition seeking their production and the handover of their custody to her.



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3. We are of the view that since it is an essential follow-up to a matrimonial dispute between wife and husband, the remedy must be sought before the jurisdictional family Court/Civil Court. If the petitioner files a Guardian and Wards Original Petition (G.W.O.P.), the same can be numbered immediately. The petitioner is permitted to take out an interim application seeking interim custody. The said application shall be numbered immediately and disposed of, within a period of three weeks from the date of filing of such application. The third respondent is present in person and is also represented by his Counsel. He undertakes before us that he will not prevent the petitioner from meeting her children or being with them. He also states that he will enter appearance immediately in the G.W.O.P and extend his cooperation for the speedy disposal of the interim application.

The Habeas Corpus Petition is disposed of with the above directions.

(G.R.S.,J.) (V.L.N.,J.)
27.05.2026

Index : Yes/No
Speaking order / Non-speaking order
Neutral Citation : Yes/No
ms/mk



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G.R.SWAMINATHAN, J.

AND

V.LAKSHMINARAYANAN, J.

ms/mk

To

1. The Deputy Commissioner of Police,
Deputy Commissioner Office,
Avadi, Chennai.
2. The Inspector of Police,
Thiruverkadu Police Station,
Thiruverkadu, Chennai.
3. The Public Prosecutor
High Court, Madras.

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