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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

Case QR

HCP No. 2171 of 2026

CNR: {HCMA012563292026}

R.Ranjitha

..Petitioner

Vs

1. The State
   represented by the Superintendent of Police
   Kallakurichi District

2. The Inspector of Police
   AWPS-Tirukkoilur Police Station
   Kallakurichi District

3. R.Rajkumar

4. G.Rajendran

..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India seeking to issue a writ of habeas corpus directing respondents 1 to 2 to produce the person of the petitioner's minor daughter *viz*., R.Krishunya, aged about 4 and ½ years, illegally detained by respondents 3 and 4 before this Court by restoring her custody to the petitioner.

For petitioner	Mr. D.Babu Varadharajan
For RR 1 & 2	Mr.M.Mohamed Riyaz Additional Public Prosecutor
For R3	Mr. S. Ramachandran
For R4	Served – No appearance

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ORDER

(made by A.D. JAGADISH CHANDIRA, J.)

This is a case filed by a mother seeking custody of her female child aged 5 years, from her husband.

2. Minus the minute details, the necessary facts culled out from the petitioner's affidavit for deciding this case run thus:

2.1 The wedlock between the petitioner and the third respondent (the petitioner's relative) took place on 21.08.2020 in a temple in Sankarapuram Taluk when the petitioner was 16 years old. Through the said wedlock, the petitioner begot a female child on 08.07.2021.

2.2. While so, unable to withstand the torture meted out by the third respondent, the petitioner started to live independently with her child and lodged a complaint against the third respondent and his father (fourth respondent) before the AWPS, Thirukoilur, pursuant to which, an FIR in Cr.No.30 of 2025 was registered on 14.04.2025 against the third and fourth respondents under the provisions of the Prohibition of Child Marriage Act, 2006, the POCSO Act, 2012 and the BNS, 2023.

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2.3 While so, on 04.06.2025, the child was taken away by the third and fourth respondents from the custody of the petitioner and the petitioner is threatened by the father – son duo to withdraw the case in Cr.No.30 of 2025.

2.4. Hence, after addressing a representation dated 27.06.2026 to the official respondents to secure her child from the illegal custody of the third and fourth respondents and finding no response, this habeas corpus petition has been filed seeking custody of the petitioner's female child.

3. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel for the third respondent.

4. It was brought to the notice of this Court by the learned Additional Public Prosecutor that after the petitioner and her child went missing, on a complaint given by the third respondent, a case in Cr.No.216 of 2025 was registered on 05.04.2025 by Sankarapuram P.S. for woman-missing and girl-missing; however, after a brief while, the petitioner returned to her matrimonial home and gave a complaint against the third and fourth respondents, pursuant to which, a case in Cr.No.30 of 2025 was registered as above and the investigation in the said case is pending.

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5. The learned counsel for the third respondent submitted that the petitioner has got an affair with one Selvaraj, owing to which, she has abandoned the child and left the matrimonial home and it is not that the third and fourth respondents took illegal custody of the child from the petitioner, as portrayed by the petitioner.

6. After hearing the case in the forenoon session in the open court, this Court passed over the matter to have an *in camera* hearing in the chambers post lunch recess.

7. Accordingly, when this Court discussed with the child *in camera*, it came to light that she is in the care and custody of the third respondent and that she would like to be with both her parents. This Court also had a round of discussion with the petitioner and the third respondent, after which, it came to be known that the petitioner and the third respondent are at loggerheads and an HMOP has also been filed by the petitioner before the Sub Court, Kallakurichi, seeking divorce.

8. Be that as it may, concededly, since the child is in the custody of only its father and is also undergoing schooling without any complaint, it cannot be said that the child is in illegal detention. However, keeping in mind the

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interest of all the parties, *viz*., the petitioner, the third respondent and the child, this Court is of the opinion that as an interim measure, the petitioner, as a mother, is entitled to be given visitation right.

9. Accordingly, considering the pendency of the case in Cr.No.30 of 2025 and also the divorce case, both instituted by the petitioner, without delving into the merits of this case, as an interim measure, this Court directs the third respondent to leave the child at 10.00 a.m. in the Mediation Centre at the Principal District Court, Kallakurichi, on Saturdays, which are holidays for the child, with the petitioner, and take the child back at 5.00 p.m. on those Saturdays, from the petitioner. Needless to state, the petitioner and the third respondent are at liberty to work out their remedy *qua* custody of the child before the appropriate forum. Further, this Court hastens to add that the observations made in this order are only for the limited purpose of deciding this case and the same shall not have any ramification on any case filed or to be filed by the petitioner and the third respondent.

With the above direction and observations, this habeas corpus petition stands closed.

(A.D.J.C.,J.) (B.K.,J.)
05-11-2026

Speaking/Non-speaking order
Neutral Citation: Yes/No
cad

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A.D.JAGADISH CHANDIRA, J.

and

B.KARTHIKEYAN, J.

cad

To

1. The Superintendent of Police
   Kallakurichi District.

2. The Inspector of Police
   AWPS-Tirukkoilur Police Station
   Kallakurichi District

3. The Public Prosecutor
   Madras High Court
   Chennai 600 104

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