



H.C.P.No.125 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

Coram:

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

H.C.P.No.125 of 2026

Rubala

... Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore District,
Coimbatore-18.
2. The Inspector of Police,
All Women Police Station,
Pothanur, Coimbatore-641 023.
3. S.Arunkarthikeyan
S/o.Srinivasan

... Respondents

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 son named A.Dwargan, aged 9 years and the petitioner's minor daughter named A.Tanvi, aged about 6 years, before this Court from the custody of the third respondent and handover them to the petitioner.

For Petitioner : Mr.R. Krishnasamy

For Respondents : Mr.A.Damodaran, Addl. Public Prosecutor
Assisted by Mr.M.Karthikeyan for RR1 & 2



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ORDER

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

This Habeas Corpus Petition has been filed seeking directions to the respondents 1 and 2 to produce the petitioner's minor children A.Dwargan, aged 9 years and A.Tanvi, aged about 6 years and to handover their custody to the petitioner.

2 The petitioner is mother of the detenues viz. A.Dwargan, aged 9 years and A.Tanvi, aged about 6 years. The third respondent is none other than the father of the detenues.

3 It appears that the dispute between the parties is family dispute and custody of the minor children. The petitioner, being mother and the third respondent being father of the detenues, both are natural guardian and the detenues are in the custody of the third respondent, who is also one of the natural guardians and hence there is no illegal custody.

4 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



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the same cannot be decided by the Writ Court. Further the petitioner has got efficacious remedy before the competent Court.

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5 In view of the above reasons, this Habeas Corpus Petition stands dismissed.

[PVJ]

[MJRJ]

23.01.2026

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To

1. The Commissioner of Police, Coimbatore District, Coimbatore-18.
2. The Inspector of Police, All Women Police Station,
Pothanur, Coimbatore-641 023.
3. The Additional Public Prosecutor, Madras High Court.



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P.VELMURUGAN. J.
and
M.JOTHIRAMAN, J.

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