



H.C.P.(MD)No.95 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

and

THE HONOURABLE MS.JUSTICE R.POORNIMA

H.C.P.(MD)No.95 of 2026

S.J.Aadira

... Petitioner

-vs-

1. The District Superintendent of Police
District Master Plan Complex, Near Collector Office
Madurai Main Road
Theni- 625 531

2. The Inspector of Police
All Women Police Station,
Bodinayakanur
Theni – 625 531

3. V.Krishna Singh

4. V.Maheswari

5. V. Harshavarthini

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the petitioner's son 1 ½ years old child before this Court and hand over custody to the petitioner.



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For Petitioner : Mrs.K.Gandhiammal
For R1 and R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor
For R3 to R5 : Mr.S.Ashok

ORDER

(Order of the Court was made by **G.K.ILANTHIRAIYAN, J.**)

This Habeus Corpus Petition has been filed to direct the respondents 1 and 2 to produce the petitioner's son 1 ½ years old child before this Court and hand over custody to the petitioner.

2. The petitioner got married the third respondent and gave birth to a male child on 23.05.2024. Thereafter there was some misunderstanding between them and as such the third respondent caused legal notice to the petitioner with regard to family dispute and the petitioner left the matrimonial home without even informing the third respondent and without even any reason, therefore the third respondent was constrained to file a petition for restitution of conjugal rights in OP No.172 of 2025 before the Sub Court, Uthamapalayam and



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it is pending. While being so, the petitioner herself along with her parents left the minor child with the third respondent and came back to her house. Now the petitioner lodged complaint before the second respondent alleging that her minor son was under the illegal custody of the respondents 3 to 5 herein. On receipt of the complaint, the second respondent conducted enquiry and during enquiry it was found that the third respondent already filed petition for restitution of conjugal rights as against the petitioner and the same is pending on the file of the Sub Court, Uthamapalayam, Theni District. That apart the petitioner also filed complaint as against the respondents 3 to 5 and the same has been registered in Crime No.47 of 2025 for the offences under Sections 498(A), 406 and 294(b) of IPC. Thereafter the child was not taken by the third respondent and infact the petitioner and her parents themselves left the child with the respondents 3 to 5 herein. The respondents 4 and 5 herein are none other than the parents of the third respondent.



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3. Further the fourth respondent herein lodged complaint before the second respondent alleging that the petitioner has left the minor child with the respondents 3 to 5 herein and she does not want to take care of the child. On receipt of the said complaint the second respondent issued notice to the petitioner for conducting enquiry , However on receipt of the said notice the petitioner failed to appear for enquiry and as such the minor child was with the custody of the respondents 3 to 5 herein.

4. It shows that the custody of the child is very much with the respondents 3 to 5 herein and the petitioner does not want to take care of the child and she herself left the child with the respondent 3 to 5.

5. In view of the same, the custody of the child with the third respondent would not amount to illegal detention, hence the petition is not maintainable and the same is liable to be dismissed.



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WEB COPY 6. Accordingly the Habeus Corpus Petition stands dismissed.

[G.K.I., J.] [R.P., J.]

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To

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2. The Inspector of Police
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Theni – 625 531

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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