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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.292 of 2026

T.Hayagrivan

.. Petitioner / Father of the detenu

Vs.

- 1.The State of Tamilnadu,
Represented by the Commissioner of Police,
Madurai City, Madurai.
- 2.The State of Tamilnadu,
Represented by the Assistant Commissioner of Police,
Thirupparankundram Division, Madurai.
- 3.State of Tamilnadu,
Represented by the Inspector of Police,
Thirunagar Police Station,
Madurai.
- 4.Boothapandian
- 5.Arunachalam

.....Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the 3rd respondent to produce the person or body of the petitioner's daughter Govardhini Natchiyar, D/o.Hayagrivan, aged about 5 years, before this Court and handover the custody to the petitioner.

For Petitioner : Mr.S.Ayyanar Prem Kumar
For R1 to R3 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

This petition has been filed seeking a direction to the third respondent to produce the person or body of the petitioner's daughter, who is aged about 5 years, and to hand over custody to the petitioner.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of respondents 1 to 3.

3. It is seen from the records that there is a matrimonial dispute between the petitioner and his wife. The petitioner had already filed a



Guardian Original Petition in G.W.O.P No.1164 of 2022 before the Family Court, Madurai, seeking custody of his daughter. The said Guardian Original Petition was dismissed by an order dated 07.06.2024. Aggrieved by the same, a Civil Miscellaneous Appeal was filed before this Court in C.M.A.(MD) No.1077 of 2024 and the appeal also came to be dismissed on 30.01.2026. It is under these circumstances that the present Habeas Corpus Petition has been filed before this Court seeking custody of his daughter.

4. It is further seen from the records that previously H.C.P(MD) No. 1129 of 2024 had been filed before this Court and the same was dismissed by order dated 21.10.2024.

5. In the considered view of this Court, the petitioner, having lost before the Family Court and also before this Court, cannot indirectly seek custody of the child by filing a Habeas Corpus Petition. In fact, the earlier HCP filed by the petitioner was also dismissed by this Court. The nature of relief sought by the petitioner cannot be dealt with in a Habeas Corpus Petition, particularly when the other legal remedies sought by the petitioner have ended in failure.



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6. In the result, this Habeas Corpus Petition is dismissed.

(N.A.V.,J..) (P.D.B.,J.)
10.03.2026

Index : Yes / No
Internet : Yes / No

Indu

To

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Assistant Commissioner of Police,
Thirupparankundram Division, Madurai.
- 3.The Inspector of Police,
Thirunagar Police Station,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
P.DHANABAL,J.**

Indu

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