



HCP(MD) No.439 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.04.2026

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.439 of 2026

K.Meharaj

... Petitioner / Mother of the
detenu

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Pudur Police Station,
Madurai.

3.S.Hussain

..... Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the second respondent to produce the minor child, namely, Arshiya, S/o. Hussain, aged about four years, before this Court and upon such production be pleased to hand over the custody of the petitioner.



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For Petitioner : Mr.S.Moorthy

For Respondent Nos.1 : Mr.E.Antony Sahaya Prabahar,
and 2 Additional Public Prosecutor

ORDER

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

This petition has been filed for a direction to the second respondent to produce the minor child and to hand over the custody to the petitioner.

2. Heard the learned counsel on either side.

3. The case of the petitioner is that she was married to the third respondent on 21.02.2014 and a child was born on 15.03.2022. It is alleged that the third respondent is a drunkard and therefore, there was difference in opinion between the parties which resulted in filing of a divorce petition before the Family Court.

4 .The grievance of the petitioner is that on 30.01.2026, the third respondent trespassed into the residence of the petitioner and took away the child. A complaint was given to the second respondent which was taken on



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file in C.S.R.No.61 of 2026. Since no effective steps were taken, the present Habeas Corpus Petition has been filed before this Court.

5. In the considered view of this Court, the custody of the child with the third respondent cannot be termed as an illegal custody. Therefore, this Court cannot issue a Habeas Corpus Writ. The petitioner has to necessarily work out her remedy only before the competent Court seeking for the custody of the child.

6. Except giving this liberty, no further orders can be passed in this petition.

7. This Habeas Corpus Petition is disposed of accordingly.

[N.A.V.,J.] [K.K.R.K.,J.]
06.04.2026

Index : Yes / No
Internet : Yes / No
TSG



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Madurai Bench of Madras High Court,
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AND
K.K.RAMAKRISHNAN,J.**

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