



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 15.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.428 of 2026

S.Kalaiselvi

.. Petitioner / Mother of the
detenu

Vs.

1.The State of Tamil Nadu,
Rep By,
The Superintendent of Police,
Dindigul District,
Velu Nachiyar Complex,
Dindigul.

2.The Deputy Superintendent of Police,
Nilakkottai, Dindigul District.

3.The Inspector of Police,
Batlagundu Police Station, Dindigul District.

4.The Inspector of Police,
All Women Police Station,
Kodaikanal,
Dindigul District.



5.R.Dhanabalan

6.S.Muthukumar

.....Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 to 4 to produce a body of person/detenues, namely, Nikhilesh, S/o.Dhanabalan, aged about 11 years and Jeevethesch, S/o.Dhanabalan, aged about 15 years and 5 months before this Court and handover the custody to the petitioner.

For Petitioner : Mr.C.Sundaravadivel

For R-1 to R-4 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For R-5 and R-6 : Mr.K.Kaleeswaaran

ORDER

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

This Habeas Corpus Petition has been filed for a direction to the respondent Nos.1 to 4 to produce the body of the children of the petitioner, who is said to be in the illegal custody of the sixth respondent, who is the brother of the petitioner.

2. When the matter came up for hearing on 02.04.2026, this Court directed the respondent Police to produce the children before this Court. Accordingly, the matter was directed to be listed for hearing today.



WEB COPY

3. When the matter was taken up for hearing today, both the detenus were present along with their father, who is the fifth respondent. We enquired the children and they categorically stated that their father is taking care of them and they are not willing to go along with the mother.

4. The father, who is the fifth respondent, stated that he is working in Mumbai and that there is a matrimonial dispute with the petitioner and he further stated that either he will accommodate his children in a hostel or he will take the children along with him to Mumbai.

5. In our considered view, we are satisfied that the children are in the custody of the father. The same cannot be said to be an illegal custody. Ultimately, it all boils down to claiming a right for custody and guardianship over the children. The petitioner has to work out her remedy only before the appropriate Court and the dispute between the petitioner and the fifth respondent cannot be considered in this petition.



WEB COPY

6. This Habeas Corpus Petition is disposed of in the above terms.

(N.A.V.,J..) (K.K.R.K.,J.,)
15.04.2026

Index : Yes / No
Internet : Yes / No
TSG

To
The Superintendent of Police,
Dindigul District,
Velu Nachiyar Complex,
Dindigul.

2.The Deputy Superintendent of Police,
Nilakkottai, Dindigul District.

3.The Inspector of Police,
Batlagundu Police Station, Dindigul District.

4.The Inspector of Police,
All Women Police Station,
Kodaikanal,
Dindigul District.

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



WEB COPY



**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

TSG

H.C.P.(MD)No.428 of 2026

15.04.2026