



HCP(MD) No.435 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.435 of 2026

T.White Rose

... Petitioner / Mother of the
detenu

Vs.

1.The State of Tamil Nadu,
represented by its
Superintendent of Police,
at Nagercoil,
Kanniyakumari District.

2.The Inspector of Police,
AWPS Police Station,
Kanniyakumari,
Kanniyakumari District.

3.R.Bapin

4.Rajan

5.R.Angel Ramani

..... Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue
a writ of Habeas Corpus, directing the respondent Nos.1 and 2 to produce



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the body or person of the petitioner's son, namely, Anson Sah S/o R.Babin, aged about three years before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.A.Arun Ramnath

For Respondent Nos.1 : Mr.E.Antony Sahaya Prabakar,
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 respondent Nos.1 and 2 to produce the body or person of the petitioner's son and to hand over the custody to the petitioner.

2. Heard the learned counsel on either side.

3. The grievance of the petitioner is that after her marriage with the third respondent on 11.09.2019, there was a male child and differences arose between the parties, as a result of which, both of them got separated. The petitioner was living with her parents at Nagercoil and was taking care of the child. The respondent Nos.3 to 5 seems to have gone to the house of the petitioner's parents and requested for taking custody of the child for a



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period of 10 days with a promise that the child will be brought back and handed over to the petitioner. However, they went back on the promise.

4. A complaint was given before the second respondent on 08.12.2025 and since no action was taken, W.P.(CRL).(MD).No.2733 of 2025 was filed before this Court and the parties reached a settlement in a mediation process and a settlement agreement dated 27.01.2026 was entered into between the parties.

5. As per the above settlement, the petitioner went to Chennai and resumed family life with the third respondent. The fourth and fifth respondents are the in-laws of the petitioner. There was once again a dispute resulting in the petitioner leaving the matrimonial home. However, the allegation is that the fourth and fifth respondents, who are the in-laws, have forcibly taken the custody of the child and they have detained the child and the third respondent is not taking care of the child and effectively, the child is now in the custody of the fourth and fifth respondents.



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6. The petitioner, once again, gave a complaint to the second respondent in this regard and since no action was taken, the present Habeas Corpus Petition has been filed before this Court.

7. In the considered view of this Court, the custody of the child in the hands of respondent Nos.3 to 5 cannot be termed as an illegal custody warranting the issuance of a Habeas Corpus Writ. If according to the petitioner, the third respondent has retracted from the settlement agreement, the petitioner has to initiate appropriate proceedings in that regard. If ultimately, the dispute pertains to the custody of the child, the same has to be initiated before an appropriate Court. This Court cannot exercise its jurisdiction under Article 226 of the Constitution of India in the case of this nature. Therefore, liberty is granted to the petitioner to work out her remedy in the manner known to law.

8. 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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To

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AWPS Police Station,
Kanniyakumari,
Kanniyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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