



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.511 of 2026

M.Kingsli

.. Petitioner / Father of the detenue

Vs.

1.The State of Tamilnadu,
Represented by the Commissioner of Police,
Madurai City.

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

3.Salomi Deva Nesam

4.The Welfare Officer,
The Child Welfare Committee,
Madurai District.

.. Respondents

Prayer :Petition filed under Article 5116 of the Constitution of India to issue a writ of Habeas Corpus, to direct the 1st and 2nd respondents to produce the child of the petitioner's son namely Medwyn Sam Kemuel,



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S/o.Kingsli Maharaja, aged about 6 years to produce before this Court and handover the custody to the petitioner.

For Petitioner : Mr.Gnana Sumathi.G
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed for a direction to the respondents 1 and 2 to produce the child of the petitioner's son, namely Medwyn Sam Kemuel, S/o. Kingsli Maharaja, aged about 6 years, before this Court and hand over the custody to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

3. It is seen from the records that already there is a matrimonial dispute between the petitioner and the 3rd respondent and the petitioner had also filed a petition seeking visitation rights in I.A.No.3/2024 in IDOP No.



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800/2021 and the same was allowed by the Family Court, Madurai by order dated 01.12.2025. The grievance of the petitioner is that even thereafter, the 3rd respondent has not complied with the order and the petitioner does not even know the whereabouts of the child. A complaint was also given in this regard to the respondent Police and since the same has not been acted upon, the present petition has been filed before this Court.

4. In the considered view of this Court, the visitation right has already been granted to the petitioner by a competent Court. When this order is in force and the 3rd respondent is refusing to comply with the order, the petitioner has to necessarily work out the remedy before the concerned Court and ensure that the order is acted upon. Instead, filing a Habeas Corpus Petition before this Court is not going to enure in favour of the petitioner in any manner. We have repeatedly held that matrimonial dispute and the dispute regarding guardianship and custody, which include visitation rights, can never be dealt with in a Habeas Corpus Petition. This is yet another case, which has come before this Court seeking custody of the child and more particularly, where an order has already been passed in



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favour of the petitioner by a competent Court. Even though we were inclined to impose cost in this case, considering the fact that the father has approached this Court seeking custody of the child, we restrain ourselves from passing any such adverse orders. It is left open to the petitioner to work out the remedy before the competent Court in the manner known to law.

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

(N.A.V.,J..) (K.K.R.K.,J.,)
21.04.2026

Index : Yes / No
Internet : Yes / No

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To

- 1.The Commissioner of Police,
Madurai City.
- 2.The Inspector of Police,
Koodal Pudur Police Station,
Madurai.
- 3.The Welfare Officer,
The Child Welfare Committee,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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