



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.497 of 2026

Pavithra

.. Petitioner

Vs.

1.The Director General of Police,
Kamarajar Road,
Kailasapuram,
Chennai.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.

3.The State of Tamil Nadu,
The Inspector of Police,
Jaihindpuram Police Station,
Madurai.

4.Lakshmi Narayanan

.. Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondent Nos.1, 2 and 3 to produce the body or person of the detainee, namely, Dhanika, d/o. Lakshmi Narayanan, aged about six years, who is the daughter of the petitioner before this Court and to hand over the detainee to the custody of the petitioner.

For Petitioner : Mr.S.Murugaganesa

For Respondents : 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 for a direction to respondent Nos.1 to 3 to produce the body or person of the detainee, who is six year old daughter of the petitioner and hand over the custody to the petitioner.

2. Heard the learned counsel on either side.

3. It is seen from records that there is a matrimonial dispute between the petitioner and the fourth respondent and it is alleged that the petitioner was in the custody of the child and one month back, the fourth respondent



took away the custody of the child. Thereafter, he refused to allow the petitioner to visit the child. It is under these circumstances, the present Habeas Corpus Petition has been filed before this Court.

4. In the considered view of this Court, the dispute that has been raised in the present Habeas Corpus Petition cannot be gone into, since the custody of the child by the father by no stretch can be termed as illegal custody. The crux of the present case is that there is a dispute regarding the custody of the child and this dispute has to be agitated only before the competent Court seeking for appropriate relief. The same cannot be decided by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India and this law is now too well settled. Therefore, liberty is granted to the petitioner to work out her remedy before the concerned Court.

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

(N.A.V.,J..) (K.K.R.K.,J.)
16.04.2026

Index : Yes / No
Internet : Yes / No
TSG



To

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Chennai.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.
3. The Inspector of Police,
Jaihindpuram Police Station,
Madurai.
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.**

TSG

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