



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.495 of 2026

Poongodi

.. Petitioner

Vs.

1.The State of Tamil,
represented by
the Superintendent of Police,
office of the Superintendent of Police,
Tenkasi, Tenkasi District.

2.The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tenkasi District.

3.Kumar

4.Mariyappan

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue
a writ of Habeas Corpus to direct the respondent Nos.1 and 2 to find out the



petitioner's minor daughter, namely, Madhanikasri and produce the person or body of the detinue and hand over to the petitioner.

For Petitioner : Mr.C.Mohammed Aseef
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 first and second respondents to produce the petitioner's minor daughter and to set her at liberty.

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 third respondent. A case is also pending in H.M.O.P.No.52 of 2026 before the VII Additional Family Court, Chennai. In the meantime, the present petition has been filed by the petitioner on the ground that the child is only two years old and the child is not properly



taken care by the third respondent, who is the husband and the child is now under the custody of the parents of the third respondent.

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
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Tenkasi, Tenkasi District.
2. The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tenkasi District.
3. 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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