



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-02-2026

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THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.M.P.(MD).No.1669 of 2026

in

H.C.P.(MD).No.1396 of 2025

1.R.Varadharaaj
2.Jothi Varadharaaj

..Petitioners(s)

Vs

1.Dr.Vinu Joseph
2.State of Tamil Nadu
Rep.by Superintendent of Police
Madurai District,
Alagakarkovil Main Road,
Madurai – 625 002.

3.Inspector of Police,
C2 Subramaniyapuram Police Station,
Near Roundtana,
Tirupparankunram Road,
Palanganatham,
Madurai – 625 003.

4.Ajantha Varadharaaj

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, praying to modify the order made in H.C.P.(MD).No.1396 of 2025 dated 27.11.2025 in Paragraph 7 that *“If the child is to be removed from the jurisdiction within Madurai, necessary permission may be obtained from the Family Court at*



Madurai, where the custody case is now pending...”

For Petitioner(s): Mr.Haja Mohideen A.

For Respondent(s): Mr.M.Sricharan Rangarajan
Senior Counsel
For M/s.N.S.Amogh Simha

Mr.A.Thiruvadikumar
Additional Public Prosecutor
(For R2 & R3)

ORDER

(Order of the Court was made by C.V.Karthikeyan, J.)

The present petition has been filed, seeking modification of an observation made in the order dated 27.11.2025 in Paragraph No.7, which is as follows:

“7. We tentatively propose that he can visit the child at the Legal Services Authority Buildings at Madurai District Court Complex every first and third Saturdays between 11.00 a.m. and 03.00 p.m., along with his parents and we are confident that the fourth and fifth respondents would have no objection for this interim arrangement. If the child is to be removed from the jurisdiction within Madurai, necessary permission may be obtained from the Family Court at Madurai, where the custody case is now pending. The said request may be adjudicated on merits by the said Court.”

2. The Habeas Corpus Petition came up for consideration before us on 27.11.2025 and on that date, the petition has been closed. The father of the



minor child was the petitioner therein. The child was under the custody of her maternal grand parents, who are residing at Madurai. The mother of the child is employed in the U.S.A and was unable to physically present at Madurai or in India. There is also a proceeding pending between the parties with respect to the custody of the child. G.W.O.P.No.58 of 2026 had been filed and is now pending before the Special Judge for Family Court at Madurai.

3. It is the grievance of the petitioners herein that since divorce proceedings are pending before the Court at U.S.A., proceedings here may affect the outcome of those proceedings.

4. We are confident that the proceedings relating to custody would not have any bearing on the divorce proceedings at U.S.A.

5. There is another grievance expressed by the petitioners that the papers in the G.W.O.P had not been served. The mother of the child appeared through Video conferencing and we requested her to forward her e-mail, so that the entire records in the GWOP may be forwarded her. Accordingly, the e-mail viz., ajanthav10@gmail.com had been forwarded by her in the Chat Box.

6. A direction is given to the learned counsel for the petitioner in the



Habeas Corpus Petition to forward the entire records relating to G.W.O.P.No. 58 of 2026 to the mother of the child.

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7. We hold that all matters relating to the custody could be agitated before the Family Court at Madurai. We would also permit the papers relating to the divorce Petition and other records to be presented before the Family Court, which Court shall take a considered decision on appreciation of all records filed of course, keeping in mind the welfare of the child. The direction given by us that the child, if removed, should be done so only on obtaining a permission from the Family Court at Madurai is only in the interest of the child, to ensure that the child is not removed during the pendency of the G.W.O.P.No.58 of 2026.

8. It is to be noted that the counsel, who represented on behalf of the petitioners herein had not even filed vakalat before the Family Court. We would request that he may do so and take steps to file counter immediately.

9. In view of the fact that he has not even entered appearance, it is not possible to fix any time limit for disposal of G.W.O.P.No.58 of 2026. However, we would urge the Family Court, Madurai, to bestow special interest on this matter and ensure that if pleadings are completed and if the parties co-operate,



the matter may be disposed of without unnecessary adjournments.

10. This petition, seeking modification stands dismissed. The visitation rights, which we had already granted shall continue and any modification required on the same may be sought before the Family Court, at Madurai. No costs.

(C.V.K., J.) (R.V., J.)
26-02-2026

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To

- 1.State of Tamil Nadu
Rep.by Superintendent of Police
Madurai District,
Alagakarkovil Main Road,
Madurai – 625 002.
- 2.Inspector of Police,
C2 Subramaniyapuram Police Station,
Near Roundtana,
Tirupparankunram Road,
Palanganatham,
Madurai – 625 003.

Copy to:

3. The Family Court,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**C.V. KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.**

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in
H.C.P.(MD).No.1396 of 2025**

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