



WEB COPY

H.C.P.No. 88 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

CORAM

THE HON'BLE MR JUSTICE P.VELMURUGAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No. 88 of 2026

K.M.D.Suraj Venugopal
S/o.(Late) K.M.Dhakshina Moorthy

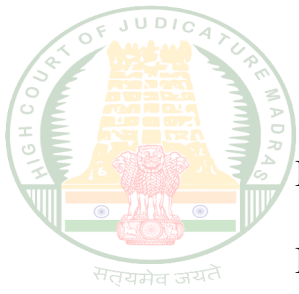
.. Petitioner(s)

Vs

1. The Commissioner of Police,
Police Commissionerate Office,
Avadi, Chennai - 600 054.
2. The State Rep. by its,
Inspector of Police,
M3, Puzhal Police Station,
Chennai - 600 066.
3. Padmashree
4. N.Authimoolam
5. Geetha Authimoolam
6. Pavithra

..Respondent(s)

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, directing the 2nd respondent to produce the minor child Kashvi Shree S, aged about 1 year and 8 months, D/o.K.M.D.Suraj Venugopal before this Court and hand over custody of the minor child to the petitioner, considering the paramount welfare of the minor child.



WEB COPY



For Petitioner :

Ms.T.Rekha

For Respondents:

Mr.A.Damodaran

Additional Public Prosecutor

assisted by Mr.M.Karthikeyan

for R1 and R2

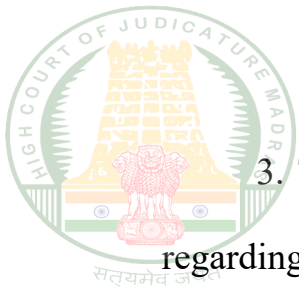
Mr.S.Alan David Rupus for R3 to R6

ORDER

(Order of the Court was made by P.VELMURUGAN J.)

This Writ of Habeas Corpus Petition has been filed seeking a direction to the second respondent-Police to produce the minor child Kashvi Shree S., aged about 1 year and 8 months before this Court and to hand over her custody to the petitioner/father.

2. The learned counsel for the petitioner submitted that the petitioner is the biological father of the minor child Kashvi Shree S., aged about 1 year and 8 months, and that the third respondent, owing to marital discord, has unlawfully removed the minor child from the petitioner's custody on 08.02.2025 without his consent and that the petitioner has been denied visitation rights thereafter. It is further submitted that such removal amounts to illegal detention, warranting the invocation of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.



3. The learned counsel further submitted that there are serious concerns regarding the well-being of the minor child, inasmuch as the third respondent has failed to ensure regular medical care, including routine vaccination, proper nutrition, and periodic medical supervision. Such neglect and lack of proper medical supervision poses a potential and imminent risk to the health and welfare of the minor child. It is further submitted that though the petitioner has filed a divorce petition in O.P.No.5025 of 2025 as well as G.W.O.P.No.586 of 2025, the custody of minor child continues to remain with the third respondent without any lawful authority. Despite lodging a complaint before the second respondent-Police on 11.11.2025, no effective steps have been taken to secure the minor child. Therefore, in the best interests of the child, this Court may be pleased to direct production of the minor child and consider handing over her custody to the petitioner/father.

4. Heard both sides and perused the materials available on record.

5. A perusal of the affidavit filed in support of this petition reveals that the petitioner and the third respondent are the biological parents and natural guardians of the minor child, Kashvi Shree S. Any dispute between spouses relating to their marital relationship or the custody of their child has to be adjudicated before the Family Court or other competent Court. Adequate and efficacious remedies are available under the Guardians and Wards Act, 1890



and the Hindu Marriage Act, 1955. In the case on hand, the parties have already approached the Family by invoking the provisions of the aforesaid enactments.

WEB COPY

6. In the aforesaid circumstances, this Court is not inclined to interfere with the dispute arising between the natural guardians with regard to the custody of the minor child, Kashvi Shree S., by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. Hence, the Habeas Corpus Petition is dismissed. However, the parties are at liberty to work out their remedies before the competent Courts, where the proceedings are already pending, in accordance with law.

(P.V.,J.) (M.J.R.,J.)
21-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ms

To

1. The Commissioner of Police,
Police Commissionerate Office,
Avadi, Chennai - 600 054.
2. The Inspector of Police,
M3, Puzhal Police Station,
Chennai-600 066.



WEB COPY

H.C.P.No. 88 of 2



**P.VELMURUGAN, J.
AND
M.JOTHIRAMAN, J.**

ms

H.C.P.No. 88 of 2026

21-01-2026