



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

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CORAM

THE HON'BLE MR JUSTICE P.VELMURUGAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No. 85 of 2026

1. P.Kamini
2. P.Geetha

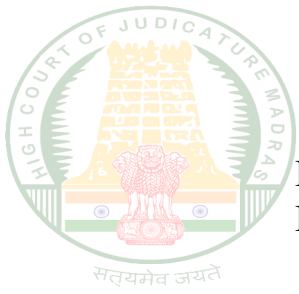
..Petitioner(s)

Vs

1. The Superintendent of Police,
Villianur Main Road,
Puducherry - 605 009.
2. The Inspector of Police,
Katterikuppam Police Station,
Puducherry-605 502.
3. Chandrasekaranan
4. Vengadesan
5. Sekar
6. S.Kokila

..Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, for a direction to the respondents to produce the 1st respondent's minor son namely Kavinash (aged 8 years) before this Court and handover the detenu to the petitioner.



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For Petitioner(s):
For Respondent(s):

Ms.S.Sadhana
Mr.M.V.Ramachandra Murthy
Public Prosecutor (Puducherry)
For R1 and R2

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 respondents-Police to produce the first petitioner's minor son, Kavinash, aged about 8 years before this Court and to handover his custody to the first petitioner/mother.

2. According to the petitioners, the first petitioner married one Chandrasekaran, the third respondent herein, and out of the said wedlock, a minor child, namely Kavinash, aged about 8 years, was born. Owing to disputes arising out of the marital relationship, the spouses are living separately, and the first petitioner has filed a petition for divorce and the same is pending. It is stated that the first petitioner is working in Singapore and that the minor child was under the care and custody of the second petitioner/grandmother. While so, the third respondent forcibly took away the custody of the minor child without consent and thereafter, prevented the petitioners from visiting the child. The second petitioner, lodged a complaint on 19.12.2025 before the second respondent-Police, pursuant to which a case in Crime No.0120 of 2025 came to be registered against respondents 3 and 4. Since no effective steps have been taken by the respondents-Police till date, the petitioners have filed the present



petition seeking custody of the minor child.

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

4. A reading of the affidavit filed in support of this petition would show that the first petitioner and the third respondent are the biological parents and natural guardians of the minor child, Kavinash. 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. Therefore, the Writ Court cannot exercise its jurisdiction to interfere in custody disputes arising between natural guardians.

5. In such circumstances, this Court is not inclined to interfere with the dispute between the spouses regarding the custody of the minor child Kavinash, and the parties are at liberty to work out their remedies before the competent Court in the manner known to law. Accordingly, the Habeas Corpus Petition is dismissed.

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

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

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Villianur Main Road,
Puducherry-605 009.
2. The Inspector of Police,
Katterikuppam Police Station,
Puducherry - 605 502.



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H.C.P No. 85 of 2



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

ms

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