



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

WEB COPY

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No. 96 of 2026

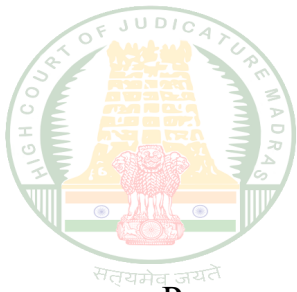
Fathima Shaw

..Petitioner(s)

Vs

1. The Commissioner of Police,
Greater Chennai Police,
Commissioner Office Building,
No.132, EVK Sampath Road,
Vepery, Chennai – 600 007.
2. The Deputy Commissioner of Police,
Triplicane Range,
D-1, Police Station, Triplicane, Mount Road,
Anna Salai, Triplicane, Chennai – 600 002.
3. The Assistant Commissioner of Police,
Nungambakkam Range,
F-3, Police Station Nungambakkam,
Nungambakkam, Chennai – 600 034.
4. The Inspector of Police
F-3 Nungambakkam Police Station,
Nungambakkam, Chennai – 600 034.
5. Ahmed Sajeeth
6. Sathak Nizan
7. Mahsooka
8. Rizna

..Respondent(s)



WEB COPY

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, to direct respondents 1 to 4 to produce the detenue namely the petitioner's minor daughter Tasmiya Ahmed aged around 8 years in person before this Court and hand over to the petitioner.

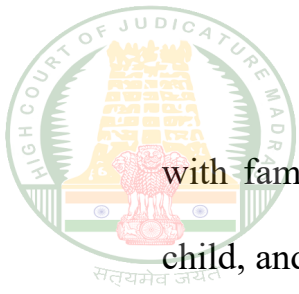
For Petitioner(s):	Mr.M.I.Javid Akbar
For Respondent(s):	Mr.A.Damodaran Additional Public Prosecutor assisted by Mr.M.Karthikeyan for R1 to R4 Mr.Leeban Arivalagan for M/s.Rifai & Lee Advocates for R5 to R8

ORDER

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

This Writ of Habeas Corpus Petition has been filed seeking a direction to respondents 1 to 4 to produce the petitioner's minor daughter Tasmiya Ahmed, aged about 8 years in person before this Court and hand over her custody to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner is the biological mother of the minor child Tasmiya Ahmed, aged about 8 years, and respondents 5 to 8 are her husband and in-laws. On 20.12.2025, the minor child was taken to the house of the petitioner's mother-in-law to spend time



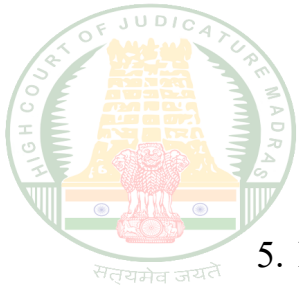
with family elders. Thereafter, the petitioner was prevented from visiting the child, and the minor was unlawfully removed from her custody. Despite diligent

efforts, the petitioner was unable to ascertain the whereabouts of the child.

When she approached the local police to lodge a complaint, the same was refused on the ground that the issue was a matrimonial dispute. It is further stated that respondents 5 to 8 are aware of the whereabouts of the minor child but are deliberately suppressing the same. Hence, the present petition.

3. The learned Additional Public Prosecutor appearing for the respondents-Police submitted that the minor child Tasmiya Ahmed, aged about 8 years, is presently under the care and custody of the fifth respondent/father and that a matrimonial dispute subsists between the petitioner and the fifth respondent.

4. A reading of the affidavit filed in support of this petition reveals that the petitioner and the fifth respondent are the biological parents and natural guardians of the minor child, Tasmiya Ahmed. Disputes arising out of the marital relationship, including issues relating to the custody of the minor child, fall within the domain of the Family Court or other competent Civil Court. Statutory remedies are available under the Guardians and Wards Act, 1890 and the Family Court Act. Further the allegations / facts has to be decided by let in evidence. In view of the availability of such efficacious remedies, 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 Tasmiya Ahmed, aged about 8 years, 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

ms

To

1. The Commissioner of Police,
Greater Chennai Police,
Commissioner Office Building,
No.132, EVK Sampath Road,
Vepery, Chennai – 600 007.
2. The Deputy Commissioner of Police,
Triplicane Range,
D-1, Police Station, Triplicane, Mount Road,
Anna Salai, Triplicane, Chennai – 600 002.
3. The Assistant Commissioner of Police,
Nungambakkam Range,
F-3, Police Station Nungambakkam,
Nungambakkam, Chennai – 600 034.
4. The Inspector of Police
F-3 Nungambakkam Police Station,
Nungambakkam, Chennai – 600 034.



WEB COPY

H.C.P.No. 96 of 2



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

ms

H.C.P.No. 96 of 2026

21-01-2026