



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1153 of 2026

Saranya
D/o.Ashok kumar,
Flat No.11/26, Fern Block,
Ebassy Residency,
Cheran nagar,
Perumbakkam,
Medavakkam,
Chengalpattu district,
Tamilnadu-600100.

..Petitioner(s)

Vs

1. The Superintendent of Police,
Tiruppur district,
Tiruppur.
2. The Inspector of Police,
Tiruppur north police station,
Tiruppur.
3. Karthikeyan
S/o.Sarasarajan,
No.5/81, MGR nagar,
Thirumurugan poondi,
Tiruppur-641652.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus or order or direction or any other appropriate writ more specifically in the nature of writ of Habeas Corpus and direct the respondent 1



and 2 to produce the petitioner's Minor son K.Maghizh, aged about 7 years, before this Hon'ble Court and to handover to the petitioner.

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For Petitioner(s):

Mr.S.Vellidoss

For Respondent(s):

Mr.C.R.Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side) (for R1 and R2)

M/s.V.S.Usharani (for R3)

ORDER**(Order of the Court was made by Dr.Anita Sumanth J.)**

This Habeas Corpus Petition is filed by the mother of a minor child, aged about 7 years, who has special needs.

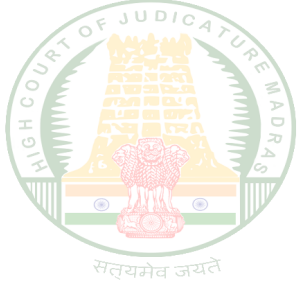
2. We have heard all learned counsel and have interacted with the petitioner as well as R3, the father of the minor. The following facts emerge:

(i)the minor was admittedly raised by the petitioner and R3 till the petitioner voluntarily left the matrimonial home in late 2022/early 2023.

(ii)the minor is being brought up thereafter by the petitioner.

(iii)the minor was studying in Casa Grand International School, Perumbakkam till recently.

(iv)there were talks of an amicable resolution of the matrimonial differences between the petitioner and R3 from early 2026.



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(v)The petitioner is admittedly contemplating a relationship once there is a resolution of her marriage with R3.

(vi)In the course of the talks between the couple, R3 had taken the minor back with him and the minor has been with R3 since 28.03.2026.

3. The petitioner has hence approached this Court alleging that R3 is illegally detaining the child.

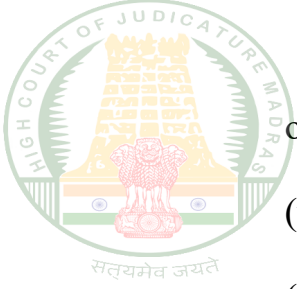
4. The question of illegal custody does not arise in the present case, as R3 is admittedly the father of the child. We do not claim to be experts in child psychology. However, during our brief interactions with the parents, when the minor was with them, we observed that the child was well disposed towards both the petitioner and R3.

5. It is true that the petitioner has been the primary care giver from 2022/23 till March 2026 providing him with love and attention, both medical and otherwise.

6. However, we believe, in the best interests of the child, that the present arrangement where the child is with the father, may continue for the following reasons:

(i)the child appears to be comfortable with the father also, who has made arrangements for his schooling in Tiruppur where the father resides.

(ii)R3 lives in an extended family and child has the benefit of



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other care givers as well, with whom he is stated to be close (uncle and aunt).

(iii) The petitioner is admittedly navigating a new relationship, on a resolution of the present one. It is hence preferable, that at such a time, the child resides with R3.

(iv) There has been incidental reference to another child in the house of the petitioner, who may competing for the attention of the petitioner.

7. For the above reasons, we dispose this Habeas Corpus Petition directing that the minor child remain with R3, till such time, the parties resolve their differences in a manner known to law. The petitioner is fully at liberty to visit the child or even take him with her for brief periods, with the co-operation of R3.

8. We make it clear that all observations in this order are for the purpose of deciding this Habeas Corpus Petition alone.

9. List on 13.10.2026 to review progress / our directions as above. Parties to appear online.

(A.S.M.,J.) (S.M.,J.)
13-07-2026

vs
Index: Yes/No
Speaking order
Neutral Citation: Yes



To

1. The Superintendent of Police,
Tiruppur district,
Tiruppur.
2. The Inspector of Police,
Tiruppur north police station,
Tiruppur.
3. The Public Prosecutor, High Court of Madras.



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**DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.**

VS

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