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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.513 of 2026

Mohamed Ansar

.. Petitioner / Detenu

Vs.

1.The Superintendent of Police,
Superintendent of Police Office,
Thanjavur District.

2.The Inspector of Police,
Kumbakonam Police Station,
Thanjavur District.

3.The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.

4.Nirosha Afrin

5.Yousuf Gani

.. Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the respondents to produce the body of the petitioner's son namely Mohammed Arsed, aged about 13 years and the petitioner's daughter namely Aaliya Begam, aged about 10 years, before this Court and handed over to the petitioner based on the consideration of their welfare and capacity for maintaining of them.

For Petitioner : Mr.Antony Santhosh.U

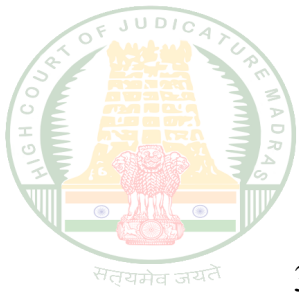
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.ANAND VENKATESH,J.)

This Habeas Corpus Petition has been filed for a direction to the respondents 1 to 3 to produce the body or person of the son and daughter of the petitioner and to hand over the custody to the petitioner.

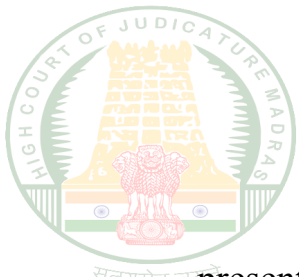
2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to
- 3.



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3. The petitioner was married to the 4th respondent and they were blessed with two children, who are aged about 13 years and 10 years respectively. The grievance of the petitioner is that the 4th respondent deserted the petitioner and fled away with the children and hence, the petitioner filed a suit seeking for the relief of restitution of conjugal rights in O.S.No.186 of 2017 on the file of the District Munsif Court, Pudukkottai, which was transferred to the file of the learned District Munsif Court, Alangudi, in O.S.No.160 of 2018 and the same is pending. The 4th respondent has also filed a suit for dissolution of marriage before the District Munsif Court, Kumbakonam and the same is pending in O.S.No. 227 of 2018. Apart from that, Guardian Original Petition has also been filed in G.O.P.No.95 of 2018 before the Principal District Court, Thanjavur and an order was passed granting permission to the petitioner to visit the minor children once in 15 days. As against the order passed in the G.O.P.No.95 of 2018, an appeal was filed before this Court in C.M.A.No. 228 of 2020 and the same is pending.

4. The petitioner, who is desperate to meet his children, gave a complaint before the respondent Police and since no action was taken, the

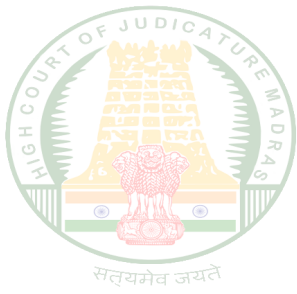


present Habeas Corpus Petition has been filed before this Court.
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5. In the considered view of this Court, there is a matrimonial dispute between the petitioner and the 4th respondent and the Additional Public Prosecutor submitted that the 4th respondent is now living with the 5th respondent along with the children.

6. Per contra, the learned counsel for the petitioner submitted that the marriage of the 4th respondent with the 5th respondent is illegal and unnecessarily the children are now being exposed to such an illegal relationship between the 4th and 5th respondents.

7. This Court, exercising its jurisdiction under Article 226 of Constitution of India in Habeas Corpus Petition, cannot go into the matrimonial dispute and dispute touching upon the guardian ship and custody of children. It is left open to the petitioner to workout his remedy in the pending proceedings. Except giving this liberty, no further orders can be passed in this petition.



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8. This Habeas Corpus Petition is disposed of in the above terms.

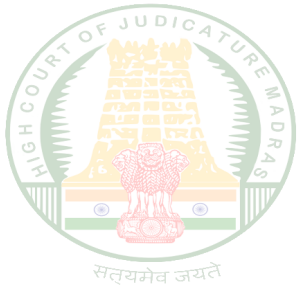
(N.A.V.,J..) (K.K.R.K.,J.,)
21.04.2026

Index : Yes / No
Internet : Yes / No

Indu

To

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Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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