

H.C.P.No.540 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2026

WEB COPY

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

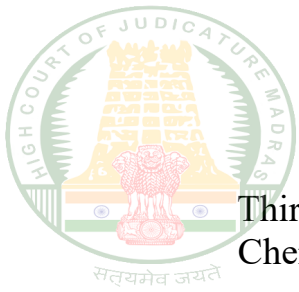
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S.Jayaprabha
Wife of Sathyanarayanan @ Sandeep
5/2, Pari Street, Mogappair East,
Chennai – 600 037.

.. Petitioner

VS

- 1.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai.
- 2.The Inspector of Police,
V5 Thirumangalam Police Station,
3-4, School Rd, D-Sector,
Anna Nagar West Extension,
Chennai, Tamil Nadu – 600 101.
- 3.Mrs.Lalitha
wife of Jayakumar
No.5, Sathya moorthy colony,
Thiruvallvar nagar,
Thirumangalam, Anna Nagar West,
Chennai – 600 040.
- 4.Mrs. Indra Brogan
wife of C.Gordon Brogan
No.5, Sathya moorthy colony,
Thiruvallvar nagar,



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Thirumangalam, Anna Nagar West,
Chennai – 600 040.

.. Respondents

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Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the 1st respondent to produce the body of the detenu namely Apoorva, daughter of Sathyanarayanan @ Sandeep, aged about 6 years whose whereabouts not known and produce the detenu before this Court and hand over her custody to the petitioner.

For Petitioner : Ms.R.Revathy

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.N.Narkeeran
for R1, R2
Mr.J.Thilagaraj for R3, R4

ORDER

(Made by Dr. ANITA SUMANTH, J.)

This writ of habeas corpus is filed by the mother of Apoorva, born on 04.11.2018. She was born to the petitioner and Sathyanarayanan @ Sandeep, who were married on 21.05.2013. The latter unfortunately passed away on 25.12.2019. The petitioner has been in the matrimonial home till 2025 when she left. It is from this stage onwards that we are faced with different versions of the events.

2. According to petitioner, she was driven from the matrimonial home in 2025 and given a complaint to the second respondent in August, 2025 setting out various grievances in regard to the treatment meted out



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to her by R3 and R4 as well as putting forth claims that she believes has in respect of the properties of the deceased husband. While a copy of the complaint contains the date 06.08.2025 in one of the court bundles, a copy of the complaint placed in the other court bundle is undated. The acknowledgment, for receipt of the complaint however, is dated 06.08.2025.

3. According to R3 and R4, the child has been brought up almost exclusively by the grandmother / R3 and the paternal aunt / R4. While the mother was very much part of family till she left voluntarily in 2025, and for reasons best to known her, she was not a very active participant in the upbringing of the child. They would also allege that she was not very affectionate to the child. We make it clear that we have nothing to say in regard to this and are only recording the submissions of the parties.

4. R4 is estranged from her husband and lives with R3 along with her children, who are aged 18 years and 16 years, respectively. We are conscious of the fact that in a situation of this nature where the father is no more, it is the mother who is expected to have custody of the minor child.

5. We have conversed with Apoorva. We find her articulate and though some element of tutoring cannot be ruled out, she is quite categorical that she is comfortable where she is and would prefer to



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continue there. Though she is only 8 years old, the Court cannot but give her views some credence. For the present, we are convinced that the child is best left in the present arrangement.

6. We make it clear that the adults must, in the best interests of the child, ensure that there is no acrimony in her presence and R3 & R4 must enable circumstances where the mother also participates in the daily routine of the child.

7. Having regard to the vicious allegations that are being foisted by the petitioner on R3 and R4 and vice versa, we do not make any specific suggestions in regard to visitation, but leave it to the parties to take forward our suggestions supra in a manner as conducive as possible to the child.

8. For instance, since all the parties, (petitioner, R3, R4 and the mother of the petitioner who is present in Court, but not a party), live within a radius of 10 kms, it would not be difficult for them to identify a common, neutral, public place such as park or a mall, where they could converge. If the adults are not interested in fraternising with each other, at least the child may have the benefit of the company all family members, including, particularly, her mother.

9. Since we have come to the conclusion that the child is not being detained by R3 and R4 contrary to her wishes, we would prefer to let



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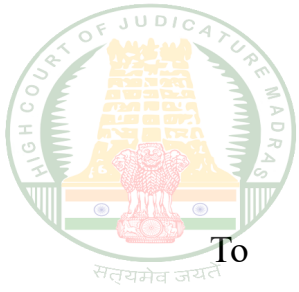
matter lie, as is. The present arrangement may continue till such time, one of the parties alters the status quo and seeks permanent custody, which they are at liberty to do so at any time.

10. We make it clear that none of the observations of this order will stand in the way of those proceedings if and when initiated. We pass this order fully conscious of the fact that we are dealing with a HCP. Hence our primary concern is only whether the child is being coerced to stay in circumstances contrary to her wishes, and wherever she is safe. In the present case, we do not believe that such circumstances arise. This habeas corpus petition is closed.

11. The complaint filed by the petitioner on 06.08.2025 appears to have been closed based on the enquiry that the police authorities have made with the child, who expressed her inclination to stay with R3 and R4. Let the complaint be revived and kept pending, though not precipitated. A status report will be filed by the police authorities by 2nd June, 2026 and circulated to us in Chambers.

[A.S.M, J.] [S.M, J.]
22.04.2026

Index: Yes/No
Neutral Citation: Yes
ssm



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To

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- 3.The Public Prosecutor
High Court, Madras.

Copy to :

The Section Officer,
Criminal Section,
High Court, Madras.



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