



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1197 of 2026

M.Rasheeda
D/o. Muhamad Yasir,
Residing at No.71,
Nehruji Nagar.
Gudiyatham.
Vellore District.

..Petitioner(s)

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Vellore District.
2. The Deputy Superintendent of Police,
Gudiyatham,
Vellore District.
3. The Inspector of Police,
Town Police Station,
Gudiyatham.
Vellore District.
4. The Inspector of Police,
All Women Police Station,
Gudiyatham,
Vellore District.
5. S.H.Mohamed
S/o. Shakul Hameed,
No.107, New Janda Street,
R.N.Palayam,
Vellore District.

..Respondent(s)



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus in the nature of writ directing the 4th respondent to secure and produce the petitioner's minor daughter namely Nabeela, aged about 7 years before this Hon'ble Court from the custody of 5th respondent and hand over the custody of the child to the petitioner and pass such further or other orders.

For Petitioner(s): MR.Sunil Kumar

For Respondent(s): Mr.C.R.Malarvannan
Counsel For Government Of Tamil Nadu
(criminal Side) For R1 To R4

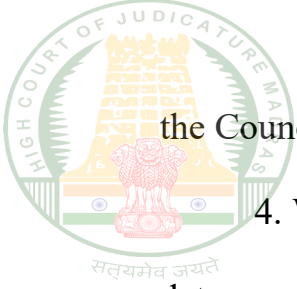
Order

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

The mother of Nabeela (detenue), aged about 7 years, has approached this Court by way of this habeas corpus petition.

2. She would aver that she had married one S.H.Mohamed / R5 on 21.02.2018, on account of differences with the in-laws, the couple had moved out to set up their own home, the detenue was born on 19.01.2019, R5 had thereafter obtain employment abroad, that she has been attending to the needs and care of the detenue ever since her birth and that on 25.4.2026, R5 had convened the Shariath Council, Tamil Nadu Towheed Jamaath, Vellore and had obtained Khula divorce from her.

3. Mr.Malarvannan, who appears for the respondents gives us a copy of the order of the Shariath Council. Apart from other terms relating to the couple,



the Council has referred to the detenu therein, noting that she was with R5.

4. We have interacted with the petitioner, detenu and grandmother of the detenu and passed the matter over to enable to the detenu to spend some time with petitioner. Though initially detenu displayed some reluctance, when the matter was called again, she was smiling and appeared to be comfortable with the petitioner.

5. We also prima facie find that the petitioner / mother was involved in her up-bringing since the child's birth, attending to her schooling and other needs. The child was initially attending a school in Vellore but since the petitioner is now based in Gudiyatham, the petitioner states that she will make arrangements for her schooling in Gudiyatham itself.

6. Incidentally, the parents of the petitioner are stated to be based in Theni and the petitioner resides alone in Gudiyatham, running a tailoring unit.

7. With this and as the detenu is now handed over to the custody of the petitioner in Court, we close this habeas corpus petition. It is open to the parties to approach the appropriate forum to seek custody of the detenu should they so desire, in a manner known to law.

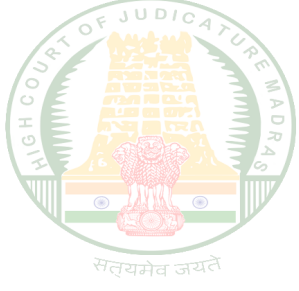
(A.S.M.,J.) (S.M.,J.)
06-07-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

SSM



1. The Superintendent of Police,
Office of the Superintendent of Police,
Vellore District.
2. The Deputy Superintendent of Police,
Gudiyatham,
Vellore District.
3. The Inspector of Police,
Town Police Station,
Gudiyatham.
Vellore District.
4. The Inspector of Police,
All Women Police Station,
Gudiyatham,
Vellore District.
5. The Public Prosecutor, High Court, Madras.



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DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

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