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HCP.No.742 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2025

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN**

H.C.P.No.742 of 2025

M.Vidya

Petitioner(s)

Vs.

1.The Superintendent of Police,  
Vellore Police District, Vellore

2.The Inspector of Police,  
All Women Police Station – Gudiyatham,  
Vellore District

3.E.Mohan

4.G.Vijay Kannan

...Respondent(s)

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the body of the detainee / petitioner's minor daughter M.Vaidurya, aged 10 years, before this Court and handed over to the petitioner.



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For Petitioner : Mr.M.Guruprasad  
For Respondents : Mr.E.Raj Thilak  
Additional Public Prosecutor  
for R1 and R2  
Mr.M.R.Thangavel for R3 and R4

**ORDER**

(Order of this Court was made by M.S.RAMESH.J.)

Claiming that the custody of the petitioner's minor daughter with the third respondent was unlawful, the present Habeas Corpus Petition has been filed.

2. On 12.08.2025, we had made an interim arrangement for the custody of the minor child which reads as follows:

*“5. We have taken into consideration that the petitioner's minor daughter was born on 13.10.2014 and for 10 years therefrom, till June 2024, the minor girl was with both her parents. After June 2024, the minor girl was separated from her mother and is now in the custody of the third respondent/father. Being a girl child of a tender age of 10 years, may require more care, affection*



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*and protection of her mother, when compared to her father and since the third respondent/father appears to have some difficulty in handing over his minor daughter during the weekends, we deem it appropriate that the interim custody be handed over to the petitioner/mother with liberty to the third respondent/father to visit his minor daughter during the weekends at the petitioner's place. However, we have taken into consideration the welfare of the minor girl as a paramount consideration and depriving the child of her relationship with the mother, would have far reaching consequences on the minor girl's future. Thus, in order to retrieve the relationship of the mother and daughter, this interim arrangement is made and the future course of action, touching upon the child's custody can be decided in the next hearing.*

*6. Accordingly, the interim custody of the minor girl shall be handed over to the petitioner/mother forthwith and the minor girl shall be under the care and protection of her mother. The third respondent/father is at liberty to visit his minor daughter, as and when required, after giving prior intimation to the petitioner/mother. During such visits, the mother shall maintain a conducive atmosphere for the father to spend time with his daughter.”*



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3. Thereafter, it is reported that the child was all along with the custody of the mother and has also been regularly attending school at Vels Global School, Mudichur, Chennai. In the meantime, both the petitioner and the third respondent had amicably come to an arrangement for joint parenting and joint custody of their minor child, which terms were reduced to writing in a memo of joint compromise dated 26.08.2025. The terms of compromise reads as follows:

*“The Petitioner/Mother and the 3<sup>rd</sup> Respondent/Father most respectfully submit this Joint Memo of Compromise before this Hon’ble Court as follows:*

*1. The Petitioner and the 3<sup>rd</sup> Respondent Mr.E.Mohan got married on 27.05.2013 at Chennai, and from the said wedlock they were blessed with a female child, namely Vaidurya, born on 13.10.2014.*

*2. Due to matrimonial disputes, the Petitioner and the 3<sup>rd</sup> Respondent are living separately for the past one year. The 3<sup>rd</sup> Respondent has instituted a Divorce Petition in O.P. No.100 of 2024 on the file of the Sub-Court, Gudiyatham, Vellore District. The Petitioner has filed the present Habeas Corpus Petition before this Hon’ble Court to produce the detenue/ Minor Child.*



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3. *The minor female child is residing with the 3<sup>rd</sup> Respondent/Father at West Tambaram, Chennai, and is studying in Vels Global School, Mudichur, Chennai, in VI Standard. This Hon'ble Court has granted interim custody of the minor female child to the Petitioner/Mother on 12.08.2025 and the posted the case for hearing on 26.08.2025.*

4. *Considering the welfare and well-being of the minor child, and keeping in view that the love and affection of both the father and mother are paramount for the child, both the Petitioner/Mother and the 3<sup>rd</sup> Respondent/Father have decided to arrive at an **Interim Arrangement for Joint Parenting and Joint Custody**, on the following terms:*

a) *The minor child shall remain in the custody and care of the Petitioner/Mother on every weekend, i.e., from Friday 06:00 P.M. till 08:00 P.M. of the following Sunday.*

b) *The minor child shall remain in the custody and care of the 3<sup>rd</sup> Respondent/Father from Sunday 8:00 pm till 06:00 P.M. of the following Friday.*

c) *During the examinations of the minor child, as well as holidays, festival days and other special days, the aforesaid arrangement may be suitably relaxed or modified by mutual consent between the Petitioner and the 3<sup>rd</sup> Respondent.*



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*d) In order to facilitate the smooth working of this arrangement, the Petitioner/Mother, who is presently residing at Nagapattinam, agrees to move her place of residence nearer to the present residence or school of the minor child.*

*e) It is mutually agreed and undertaken by the Petitioner/Mother and the 3<sup>rd</sup> Respondent/Father that neither of them shall indulge in act of speaking ill about the other in the presence of the Minor child.*

*f) It is further agreed that, even during the above agreed periods of custody of the minor female child, both the Petitioner/Mother and the 3<sup>rd</sup> Respondent/Father shall be at liberty to visit their minor daughter, as and when required, after giving prior intimation to the other parent.*

*5. The above interim arrangement is entered by the petitioner and the 3<sup>rd</sup> respondent out of their own volition without any force, pressure or coercion considering the welfare and paramount interest of the minor child in mind.”*

4. Since both the petitioner and the third respondent had mutually agreed to the aforesaid terms, we are of the view that the said arrangement can be continued.



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5. In the light of the above observations, no further orders are required to the prayer sought for in this petition. Recording the terms of memo of compromise dated 26.08.2025, this Habeas Corpus Petition is closed.

[M.S.R., J] [V.L.N., J]  
26.08.2025

Index: Yes/No  
Speaking/Non-speaking order  
Internet: Yes/No  
Neutral Citation: Yes/No  
*Anu*

To

1.The Superintendent of Police,  
Vellore Police District, Vellore

2.The Inspector of Police,  
All Women Police Station – Gudiyatham,  
Vellore District

3.The Public Prosecutor,  
High Court, Madras.



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**M.S.RAMESH, J.**  
**and**  
**V. LAKSHMINARAYANAN, J.**  
*Anu*

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