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H.C.P. No.1254 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **M.S. RAMESH**
AND
THE HONOURABLE MR. JUSTICE **V.LAKSHMINARAYANAN**

HCP No.1254 of 2025

S.Mani ... Petitioner

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.

3.L.Prabha ... Respondents

For Petitioner : Mr.R.C.Paul Kanagaraj,
for Mr.K.Babu

For Respondents
1 & 2 : Mr.E.Raj Thilak,
Additional Public Prosecutor

For Respondent 3 : Mr.S.Nedunchezhiyan

ORDER

*(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)*



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The petitioner is the father and the third respondent is the mother. The couple have been blessed with two children. Due to disputes and differences, the petitioner and the third respondent separated. Despite a desperate search, the petitioner could not trace them. He lodged a complaint with the Police and thereafter, he moved the Madurai Bench of this Court in HCP(MD).No.1208 of 2024. This court recorded the fact that the wife and the children are safe and closed the HCP. It granted liberty to the petitioner to move the Family court at Nagarcoil in the pending divorce proceedings in IDOP.No.665 of 2024 and seek orders for visitation.

2. The children, subsequently, reached out to their father and requested him to take custody of them. Acting on this request, the petitioner travelled from Nagarcoil to Krishnagiri and took over their custody. It was now the turn of the wife to move this court by way of a Habeas Corpus Petition. Accordingly, HCP.No.1082 of 2025 was filed before this court.

3. Finding the dispute could be resolved by mediation, by an order dated 18.06.2025, we referred the parties to that mode of settlement.

4. During the course of mediation, a settlement was arrived at



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on the following terms:

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“8. The following settlement has been arrived at between the parties hereto:

A. It is agreed that the two female children will reside with their mother in the above mentioned address i.e., in C.M.Paravillai Meykodu Post, Kanniyakumari District – 629 804 and under her custody and to put them in schools nearby her residence.

B. It is agreed that they share the responsibilities of the two female children equally in all the auspicious events of the children and to act accordingly.

C. It is agreed that the father is entitled for visitation right in respect of both the children and spend time with them in the alternate weekends i.e., from Friday night to Sunday evening.

D. It is agreed that if the children having long holidays i.e., more than 7 days, it has to be equally spent with both parents.

E. It is agreed that if either of their parents would have any family functions or auspicious event, they can take along the children with them.

9. By signing this Agreement, the parties hereto state that they have no further claims or demands against each other with respect to H.C.P.No.1082 of 2025 and all disputes and differences in this regard have been amicably settled by the parties hereto



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through the process of Mediation. This agreement was made without causing any prejudice to the case filed in the Family Court, Nagarcoil in I.D.O.P.No.665 of 2024.”

Recording the settlement, this court also disposed of HCP.No.1082 of 2025.

5. Unfortunately, the petitioner's mother passed way on 26.06.2025. The petitioner pleaded that despite his request, the third respondent did not permit the children to meet their grandmother. He added that the terms of settlement recorded by this Court have been violated. Since he apprehended that the third respondent might have relocated or absconded with the minor children to an undisclosed location, he came forward with this HCP.

6. This Court took the petition on file and issued notice to the Police as well as the third respondent. On 24.07.2025, the third respondent appeared before us and pleaded that it was the writ petitioner, who did not make any attempt to meet the children. The third respondent also submitted that she is residing at Nagarcoil ad that her address will be communicated to the petitioner.

7. Taking note of the circumstances, we passed the following order:



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“5.Nevertheless, since the petitioner claims to be not in possession of the third respondent's correct address, the learned Additional Public Prosecutor is called upon to convey the third respondent's residential address to the petitioner herein. It is made clear that whenever the petitioner intends to meet his children in terms of Clause C of the settlement dated 19.06.2025, the third respondent shall facilitate a cordial atmosphere for the children to spend time with their father/petitioner, as agreed by her.”

8. When the matter was called today, the petitioner and the third respondent were present. Both sides stated that the settlement agreement dated 19.06.2025 is being implemented, without any issues. Though allegations and counter allegations were made, we are of the view that as the parties have settled the matter before the Mediation Centre, they have to comply with the said terms.

9. Insofar as guardianship issues are concerned, it would require oral and documentary evidences. Hence, this forum is not an appropriate forum for the same. It is open to the parties to approach the jurisdictional court and seek for the relief of guardianship. The arrangement that has been agreed to between the parties shall continue till then.



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10. It is made clear that in the event of moving the jurisdictional court for the aforesaid reliefs, the said court shall decide the issue uninfluenced by any of the observations made in this order. Being a matter relating to two girl children, it will always be open to the court to modify the interim arrangement agreed to between the parties. Needless to add, the court will act in the best interests of the children.

11. With the above observation, Habeas Corpus Petition stands ordered accordingly.

(M.S.R, J.) (V.L.N, J.)
21.08.2025

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Index : Yes
Speaking Order
Neutral Citation : Yes

To

- 1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
- 2.The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.
- 3.The Public Prosecutor,
High Court of Madras



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and
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