



WEB COPY



H.C.P.No.1253 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

H.C.P.No.1253 of 2025

and

Crl.M.P.No.14059 of 2025

M.K.Nair

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by the Commissioner of Police,
Greater Chennai Police,
Vepery,
Chennai – 600 007.

2.The Assistant Commissioner of Police,
Neelankarai Range,
Chennai – 600 115.

3.The Inspector of Police,
J8, Neelankarai Police Station,
Chennai – 600 115.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
for issuance of a Writ of Habeas Corpus directing the respondents to



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produce the petitioner's daughter Manu Shri Nair aged about 14 years before this Court and hand over to the petitioner.

For Petitioner : Mr.Charles Kamalesh M. Appaji

For R1 to R3 : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Mr.K.Karthikeyan

ORDER

(Order of the Court was made by **N. SATHISH KUMAR, J.**)

This Habeas Corpus Petition has been filed to produce the petitioner's daughter, namely Manu Shri Nair aged about 14 years, before this Court and hand over her to the petitioner.

2.It is the case of the petitioner that he had obtained a decree of divorce against his wife namely Shivani Nair in the year 2019. He has a son aged about 17 years and a daughter namely Manu Shri Nair aged about 14 years studying in Chennai. After desertion of his wife, his daughter got depressed and started behaving in an abnormal manner and therefore, she was given counselling at Children Home at Kilpauk. Suddenly, on

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30.01.2025, when he returned to his house in the evening, his daughter was missing from the house along with dresses and money purse. Hence, the petitioner lodged a complaint with the 3rd respondent Police and a case was also registered in Crime No.79 of 2025 for “girl missing”. However, since no effective steps are being taken by the 3rd respondent Police to trace his daughter, the petitioner has come forward with this petition.

3.Today, the detenue has been produced before this Court. Though the detenue is a minor, she appears to be well-grown and capable of understanding the nature of things. We interacted with the detenue. Despite much persuasion made by us, she is adamant in her stand that she will go along with her mother and grandmother. The predecessor Bench had earlier referred the girl to Home. At that time, she has jumped from the building. Thereafter, to assess her mental condition, she was sent to the Institution of Mental Health, Kilpauk, where she was evaluated and a report has been filed on 16.09.2025. Later, one more report is also sent by the Institute on 25.10.2025. The report indicates that the mental state examination, psychological assessment and perusal of medical records were done by the



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Institute and she was calm and cooperative for examination. In the mental state examination, her thinking, mood, perception and intelligence was found to be within the normal range. Supportive Psychotherapy was given to her, her father and mother and she is capable of making her own decisions. The report is also placed before us. Today also, on interaction, she has informed us that she is inclined to reside only with her mother and grandmother in Andaman and Nicobar Islands. She has not even shown any inclination even to interact with her own brother.

4.In such view of the matter, as the girl is in the custody of her mother, it cannot be said that she is in illegal detention. Therefore, this Habeas Corpus Petition is closed. No costs. It is for the petitioner to work out his remedy for permanent custody before the appropriate forum. Since the main Habeas Corpus Petition itself is closed, connected impleading petition is also closed.

(N.S.K., J.) (M.J.R., J.)
10.11.2025

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Internet : Yes
Index : Yes / No
Speaking Order / Nonspeaking order
Neutral Citation : Yes / No

To

- 1.The Commissioner of Police,
Greater Chennai Police,
Vepery,
Chennai – 600 007.
- 2.The Assistant Commissioner of Police,
Neelankarai Range,
Chennai – 600 115.
- 3.The Inspector of Police,
J8, Neelankarai Police Station,
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- 4.The Public Prosecutor,
High Court, Madras.



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