



H.C.P.(MD)No.121 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.01.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

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Thasleema Sumaiya

... Petitioner / Mother of Detenu

Vs.

1.The State of Tamil Nadu,
The Superintendent of Police,
Karur District, Karur.

2.The Inspector of Police,
Aravakurichi Police Station,
Karur District.

3.Jafar Shathik

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 & 2 to secure and produce the body or person of the detainees namely minor Mohamed Shamir Sahfaan, S/o.Jafar Shathik, aged 6 years and namely minor Shafiya D/o.Jafar Shathik, aged 5 years under the custody of the third respondent herein and direct the



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respondents 1 & 2 to hand over them custody of the minor children to the petitioner.

For Petitioner : Mr.S.Gokulraj

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R1 & R2

: Mr.V.Balaji for R3

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The petitioner got married to the third respondent as per Muslim rites and customs on 03.02.2017. A male child was born on 18.03.2018. A female child was born on 12.12.2019. It is the case of the third respondent that the marriage has been dissolved and that the petitioner had given khula. The petitioner denies the said allegation. She contends that this khula was obtained under coercion and that she has not given any divorce. At present, the children are with the third respondent.

3.In these proceedings, the issue of custody cannot be decided. We therefore grant liberty to the petitioner to move the jurisdictional civil Court / Family Court seeking custody of the children. As and when such GWOP is filed, it shall be numbered immediately. The court below shall



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endeavour to dispose of any interim application that may be filed by the petitioner on merits and in accordance with law within a period of eight weeks. We make it clear that we have not gone into the merits of the matter. The third respondent undertook before us that on every Saturday morning between 09:00 am and 10:00 am., he will drop both the children in the house of the petitioner. The petitioner will hand over the children back to the third respondent at 06:00 pm on the same day. This is only an interim arrangement and this will abide by any order that may be passed by the jurisdictional Civil Court / Family Court.

4. The Habeas Corpus Petition is disposed of.

(G.R.S. J.) & (R.P. J.)
28.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To:-

- 1.The Superintendent of Police,
Karur District, Karur.
- 2.The Inspector of Police,
Aravakurichi Police Station,
Karur District.

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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and
R.POORNIMA, J.

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