



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :22.04.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

H.C.P(MD)No.445 of 2025

Vennila

... Petitioner/Mother of the detenus'

.Vs.

1.The State of Tamil Nadu, represented by
The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Kalakadu Police Station,
Tirunelveli District.

3.Rajasekar

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to direct the respondents 1 and 2 to secure the Petitioner's children from the third respondent and produce them as person or body of the detenu minor son namely Pragathesh, son of Rajasekar, aged about 9 years and minor daughter Ananya, daughter of Rajasekar, aged about 5 years,



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produce them before this Court and set them at liberty.

For Petitioner : Mr.A.Naresh Prabu
For Respondents : Mr.E.Antony Sahaya Prabahar
1 and 2 Addl.Public Prosecutor
For Respondent-3 : Mr.D.S.Haroon Rasheed

ORDER

DR.G.JAYACHANDRAN., J
AND
R.POORNIMA.,J

The Habeas Corpus Petition is filed seeking a direction to the respondents 1 and 2 to secure the Petitioner's children from the third respondent and produce them as person or body of the detenu minor son namely, Pragathesh, son of Rajasekar, aged about 9 years and minor daughter Ananya, daughter of Rajasekar, aged about 5 years, produce them before this Court and set them at liberty

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.Pragathesh, 9 years old and Ananya, 5 years old children



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are the scapegoat now in the war between their parents. Earlier, their father Rajasekar had filed H.C.P(MD)No.118 o 2025 alleging that the minor children has been illegally taken custody by the mother, who is living with her paramour arrayed as 5th respondent in the abovesaid Habeas Corpus Petition. When the HCP came up for hearing, this Court found that the said allegation is false and the Petitioner Rajaseakar has harassed his wife and children and therefore, the wife has taken both the children 1 ½ years ago and she is living with her mother. The children are studying in a School in Peykkulam. After ascertaining the said fact, this Court on 7.2.2025, dismissed the Habeas Corpus Petition with an observation that it is a case of matrimonial dispute and dispute regarding the custody of the minor children. Therefore, the Petitioner/father has to work out his remedy before the appropriate forum, since the children are with the mother for the past 1 ½ years and the custody is not illegal. After dismissal of his Habeas Corpus Petition, Rajasekar had thought it fit that the



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appropriate forum to take custody of the minor children will be the jurisdictional Police and therefore, given a complaint to the Thiruchendur Taluk Police Station, which is the third respondent in H.C.P(MD)No.118 of 2025 and made the Police to summon his wife for an enquiry. When the wife came to the Police Station for enquiry, he along with his henchmen, had kidnapped both the children, who are at that time with her maternal great grandfather. This has occurred on 06.03.2025. Immediately, she has lodged a complaint with Kalakadu Police Station, which is the jurisdictional Police. However, no steps have been taken to bring the children. Hence the present Habeas Corpus Petition is filed by the Petitioner/mother.

4. After notice, the second respondent/Police traced the children and produce them before this Court. The third respondent is also present before this Court.



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5. The learned counsel for the third respondent submitted that the children were voluntarily given to the third respondent by the Petitioner after arriving at a compromise in Thiruchendur Taluk Police Station. However, suppressing the said fact, the present Habeas Corpus Petition is filed.

6. This Court made a personal enquiry with the Petitioner, who had reiterated that the children were forcibly taken away from her great grand-father by the third respondent, when she was in Thiruchendur Taluk Police Station. The Inspector of Police, Kalakadu Police Station, the second respondent herein, who is present before this Court today, concedes that soon after the incident of kidnapping, a complaint over phone was received and thereafter, a written complaint through the Deputy Superintendent of Police was received and a case in Crime No. 292/2025 was registered as against the third respondent Rajasekar and four others and the matter is now under investigation. This



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Court finds that the third respondent due to some ill advise, had committed the crime and had forcibly kidnapped Pragathesh and Ananya, who are his own children from lawful custody of their mother.

7.Hence, the second respondent-Police shall proceed with the complaint registered against the third respondent in Crime No.292 of 2025 in accordance with law. The third respondent shall hand over the custody of the two minor children Pragathesh and Ananya to the Petitioner, forthwith.

8.With the above directions, the Habeas Corpus Petition stands disposed of.

[G.J.,J.] [R.P.,J.]
22.04.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No



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vsn

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Kalakadu Police Station,
Tirunelveli District.

Copy to

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

DR.G.JAYACHANDRAN, J.
and
R.POORNIMA ,J.



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vsn

ORDER MADE IN
H.C.P(MD)No.445 of 2025

22.04.2025