



CRL MP(MD). No.5464 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Tenth day of June Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS. JUSTICE R. POORNIMA

CRL MP(MD). No.5464 of 2025
in
H.C.P.(MD)No.121 of 2025

Jafar Sathik

... Petitioner

-Vs-

- 1 Thasleema Sumaiya
- 2 The Superintendent of Police
Karur District.
- 3 The Inspector of Police
Aravakurichi Police Station Karur District.

... Respondents

Prayer in Crl.MP(MD)No.5464 of 2025;-

This Criminal Miscellaneous Petition filed under Article 226 of The Constitution of India, to direct the 1st respondent to immediately hand over the custody of the minor children namely Mohammed Shamir Sahfaan, aged 8 years and Shaffiya, aged 6 years to the petitioner herein, as per the directions given by this Honble Court in the order dated 28.01.2025 Passed in HCP(MD)No.121 of 2025 and to abide by the outcome of the Pending Proceedings in GWOP No.36 of 2025 and O.S.No. 4 of 2025 on the file of the Family Court, Karur instituted by the 1st Respondent.



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Prayer in HCP(MD)No.121 of 2025;-

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, will be pleased to direct the respondents 1 and 2 to secure and produce the body or person of the detenues 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 respondents 1 & 2 to hand over them custody of the minor children to the petitioner.

ORDER:- This Criminal Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.V.Balaji , Advocate for the Petitioner and of Mr.Ponkarthikeyan Advocate for Mr.A.Thiagarajan Advocate for the 1st respondent Mr.B.Nambiselvan , Advocate for the 2nd and 3rd respondents , this Court made the following order;-

This Criminal Miscellaneous Petition is filed by the petitioner/husband seeking a direction to the 1st respondent/wife to hand over the custody of the minor children, namely Mohammed Shamir Sahfaan, aged 8 years, and Shaffiya, aged 6 years, to the petitioner/husband, based on the directions issued by the Hon'ble



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Division Bench of this Court vide order dated 28.01.2025, passed in H.C.P. (MD) No. 121 of 2025, and also to abide by the outcome of the pending proceedings in G.W.O.P. No. 56 of 2025 and O.S. No. 4 of 2025 on the file of the Family Court, Karur.

2. Heard both side and perused the material documents available on record.

3. It is the case of the petitioner/husband that he was married to the 1st respondent/wife, namely Thasleema Sumaiya. Out of the wedlock, they have one male child, Mohammed Shamir Sahfaan, aged 8 years, and one female child, Shaffiya, aged 6 years. The children were residing with the petitioner/husband. The respondent/wife had refused to live with him and had agreed to dissolve the marriage. By an agreement dated 19.09.2024, she granted 'KULA', left the matrimonial home, and handed over the custody of the children to the petitioner.

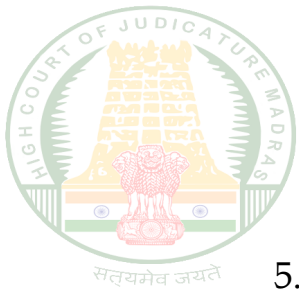
4. Later, she lodged a complaint before the 3rd respondent, alleging that the minor children were missing, and also filed a Habeas Corpus Petition before this Court in H.C.P. (MD) No. 121 of 2025. In the said petition, vide order dated 28.01.2025, this Court passed the following interim order, which is extracted hereunder:



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"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 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".



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5. It is the further case of the petitioner that, in compliance with the order of the Hon'ble Division Bench of this Court dated 28.01.2025 passed in H.C.P. (MD) No. 121 of 2025, the petitioner had handed over the minor children to the 1st respondent/wife for ten consecutive Saturdays, up to 05.04.2025. However, on 05.04.2025, the 1st respondent refused to return the children to the petitioner/husband. Consequently, the petitioner/husband lodged a complaint before the 3rd respondent, seeking enforcement of this Court's order by requesting that the minor children be handed back to him on the evening of 05.04.2025 itself.

6. Since the 1st respondent has failed to comply with the said order, the petitioner has filed the present Criminal Miscellaneous Petition seeking custody of the minor children.

7. By order dated 09.06.2025, this Court directed the 1st respondent/wife to appear before this Court along with the minor children. Today, i.e., on 10.06.2025, the 1st respondent/wife is present before this Court along with the minor children.

8. Mr.V.Balaji, the learned counsel appearing for the petitioner/husband, submitted that the 1st respondent has filed G.W.O.P. No.56 of 2025 before the Family Court, Karur and the matter is pending. Whiles, the petitioner had been complying with the order of this Court passed in H.C.P(MD)No.121 of 2025 dated 28.01.2025 by dropping the children at the residence of the 1st respondent. However, on



05.04.2025, the 1st respondent/wife refused to return the children to him, in violation of this Court's order.

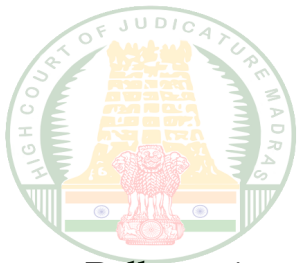
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9. Mr. Nambi, the learned Additional Public Prosecutor, submitted that the 1st respondent/wife had lodged a complaint against the petitioner/husband on 06.04.2025. However, after conducting an enquiry and noting that the matter is seized by the High Court, the complaint was closed.

10. On 28.01.2025, this Court passed an order as an interim arrangement, directing the parties to abide by any order passed by the jurisdictional Civil Court/Family Court. We find that the 1st respondent has deviated from the order passed by this Court on 28.01.2025. We have also inquired the minor children.

11. Taking note of the submission and the facts, we direct the 1st respondent/wife to hand over the custody of the minor children to the petitioner/husband. The petitioner shall continue to comply with the earlier directions of this Court by handing over the children at the residence of the 1st respondent's father, Mr. Mohamed Mytheen, residing at Rengarajan Nagar, Pallapatti, Mobile No. 9790450484.

12. The petitioner shall admit the children to Venus Matriculation School, Pallapatti, and they shall continue their education there. The 1st respondent/wife shall facilitate the admission of the children to Venus Matriculation School,



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Pallapatti.

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13. It is made clear that this is only an interim arrangement, and the parties shall abide by any order that may be passed by the Family Court, Karur, in G.W.O.P. No. 56 of 2025.

14. In the interest of the welfare of the minor children, we direct the District Child Protection Officer, Karur District, Karur, to visit the children once every fortnight and ensure their welfare and safety. The District Child Protection Officer, Karur District, Karur, is further directed to file a periodical report once every two months before the Legal Services Authority attached to this Bench.

15. With these directions, this Criminal Miscellaneous Petition stands closed.

Sd/-

ASSISTANT REGISTRAR (CS - III)

// True Copy //

/ /2025

Sub Assistant Registrar
(CS-I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai.



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TO
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1. The Superintendent of Police
Karur District.
2. The Inspector of Police
Aravakurichi Police Station
Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madras.

Copy to:

1. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai
2. Thasleema Sumaiya
W/o. Jafar Shathik,
Rangaraj Nagar,
Mariyamman Kovil 2nd Street,
Aravakurichi Taluk,
Karur,
Karur District.
3. The District Child Protection Officer,
Collectorate Campus,
Karur District,
Karur.



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ORDER DATED : 10/06/2025

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

AS - (24 .06.2025) 9P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.