



H.C.P(MD)No.579 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

H.C.P(MD)No.579 of 2025

Vanitha

... Petitioner/
Mother of the detenu

-Vs-

- 1.The State of Tamil Nadu rep by its
The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Mudukulathur,
Ramanathapuram District.
- 3.The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.
- 4.Kalaimathi

... Respondents



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PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 to 3 herein to produce the body or person of the detainee by name 1.Thanuja Sri, D/o.R.Ilayaraja, aged about 9 years and I.Harijithyan, S/o.R.Ilayaraja, aged about 6 years and hand over them custody of the petitioner's children to the petitioner.

For Petitioner	: Mr.K.Dinesh
For R1 to R3	: Mr.B.Nambi Selvan Additional Public Prosecutor
For R4	: M/s.Muthumeena

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

This Habeas Corpus Petition is filed for a direction to the respondents 1 to 3 to produce the body or person of the detainee viz., I.Thanuja Sri, D/o.R.Ilayaraja, aged about 9 years and I.Harijithyan, S/o.R.Ilayaraja, aged about 6 years and hand over them custody of the petitioner's children to the petitioner.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



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3.It is the case of the petitioner that she got married to one Ilayaraja and out of their wedlock, they were blessed with two children viz., I.Thanuja Sri, aged about 9 years and I.Harijithyan, aged about 6 years. It is the further case of the petitioner that her husband Ilayaraja developed illegal intimacy with several women and due to which, several disputes arose between them and thereby on account of continuous harassment and physical assault, the petitioner had left the matrimonial home along with the children and went to her parents' home. While so, on 23.03.2025, the petitioner's husband had visited the house and abducted her children and taken them away. Therefore, the petitioner's had given a complaint to All Women Police Station, Thiumangalam. During the enquiry, it came to light that the husband had taken the children to Tiruppur and thereby the petitioner was directed to approach All Women Police Station, Palladam. In the enquiry conducted by Palladam Police Station, the husband had informed that he would bring the children on or before 21.04.2025. However, since no action has been taken, the petitioner approached the third respondent and made a complaint seeking to find out the whereabouts of her children. The third respondent issued CSR and did not take any action. Subsequently, the petitioner came to know that the custody of the children were handed over to the fourth respondent, who is the



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sister of the husband and thereby the children are in illegal detention. Hence, the present Habeas Corpus Petition is filed.

4. When the matter was listed before us on 04.06.2025, finding that the matter arose out of matrimonial dispute and there would be a possibility of settlement, referred the matter before the Mediation and the parties are directed to appear before the Mediation Centre along with their children. Several round of mediation taken place and now a report has been filed that no agreement has been reached between the parties.

5. The matter is posted before this Court today. The husband along with the children are present before this Court. However, the petitioner is not present before this Court.

6. The learned counsel appearing for the petitioner submitted that since the petitioner suffered a fracture, she is unable to appear before this Court.



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7.We enquired the children, they submitted that they are now residing with their father and further stated that the girl is studying 4th Std., and the boy studying 3rd Std., and they are taken care of by their paternal grandmother. During the earlier enquiry, the children submitted that they are happy to stay with their father and they did not make complaint against their father. The custody of the children is not an illegal.

8.In view of the above, the Habeas Corpus Petition stands closed. We make it clear that the order is passed only as an interim measure taking into consideration the interest and welfare of the children. The parties are at liberty to approach the appropriate forum seeking for custody of the children and the concerned Court shall not be influenced by any of the observation made in this petition.

[A.D.J.C.,J.] & [R.P.,J.]
09.07.2025

NCC:Yes/No
Index:Yes/No
Ns



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A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA.,J.
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To

- 1.The State of Tamil Nadu rep by its
The Superintendent of Police,
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Mudukulathur,
Ramanathapuram District.
- 3.The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P(MD)No.579 of 2025

09.07.2025