



H.C.P.(MD) No.749 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2025

CORAM:

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

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Roselin @ Veeralakshmi

... Petitioner/
Mother of the Detenue

-VS-

The State of Tamil Nadu,
1.The Superintendent of Police,
Thoothukudi Distirct,
Thoothukudi.

2.The Inspector of Police,
Aathur Police Station,
Thoothukudi District.

3.Reegan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents 1st and 2nd to secure the detenu and produce the person or body of the detenues, viz., Anthony Stephen (8 years)



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S/o.Reegan and female child namely Mariya Stepheny(6 years) D/o.Reegan, before this Court illegally detained by the third respondent and handover them custody of the detenues to the petitioner forthwith.

For Petitioner : Mr.R.Mathava Selvam
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 : Mr.Ashok

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 1st and 2nd to secure the detenu and produce the person or body of the detenues, viz., Anthony Stephen (8 years) and Mariya Stepheny(6 years) D/o.Reegan, before this Court, illegally detained by the third respondent and handover them the custody of the detenu to the petitioner forthwith.

2.The case of the petitioner is that she was forcibly married to the third respondent on 10.04.2016 and that they were blessed with one male child viz.,



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Anthony Stephen, aged about 8 years and a female child viz., Mariya Stepheny, aged about 6 years. The petitioner and her husband along with the children were living at Thoothukudi. The third respondent used to come home in a drunken mode and threatened the petitioner and her children. In such circumstance, the third respondent viz., Reegan had taken away the petitioner's children and left the home. Therefore, the petitioner had preferred a complaint before the CWC and they rescued her children from the third respondent. Pursuant to which, the petitioner had left the third respondent and stayed at Trichy, in her sister's house along with two children. On 07.05.2025 when the petitioner had gone to the hospital for her sister's delivery, the third respondent had taken away the children without informing her. The petitioner had given a complaint before the second respondent police. Since the respondent police had not taken any steps to secure the children, the petitioner had filed the present Habeas Corpus Petition.

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



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4. When the matter was listed before us on 30.06.2025, this Court had referred the matter before the Mediation for settling the issues between the parties. In the Mediation Centre, a settlement was arrived between the parties and it was agreed that the children would be admitted in a school at Trichy. However, on 07.07.2025, it was reported by the learned counsel for the third respondent/husband that the matter was referred before the Mediation and it was agreed between the parties that the children will be admitted in a school at Trichy and believing the same, the third respondent handed over the custody of the children to the petitioner/wife. However, in violation of the undertaking given by the petitioner/wife she had taken the children to some unknown destination and that the third respondent, who had handed over the children, was unable to find out the whereabouts of the children. Therefore, we direct the matter to be listed on 09.07.2025. On 09.07.2025, the learned counsel for the petitioner sought time for appearance of the petitioner before this Court and thereby the matter was posted on 11.07.2025. On 11.07.2025 the learned counsel for the petitioner reported no instructions from the petitioner and also submitted that he is not aware of the whereabouts of the children. The learned Additional Public Prosecutor also submitted that the third respondent had given a complaint before



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WEB COPY the All Women Police Station, Thoothukudi, with regard to the missing of children. Finding that the petitioner had violated the order of this Court, we have directed the second respondent police to secure the petitioner and her children and produce them before this Court. We have also directed if the petitioner refuses to come, the respondent police shall effect arrest and produce before this Court.

5.Pursuant to the same, the petitioner was produced before this Court along with the children on 21.07.2025.

6.Admittedly, the custody of the children were with the husband/third respondent. This Court, finding that it was a matrimonial dispute, had referred the matter to the Mediation and in the Mediation, the petitioner/Wife had agreed that the children will be admitted in a school at Trichy, whereas without informing this Court and in total defiance of the order of this Court, without admitting the children in a school in Trichy, she had taken the children to an unknown location and thereby this Court was constrained order for securing the children and the respondent police with great difficulty had secured them from Kerala.



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7.The children were admitted in a school viz., Fathima School, Thoothukudi, and they were continuing their education, whereas the petitioner had not admitted the children in any school till date and had taken them to Kerala. We find that in the interest and welfare of the children, the custody shall be with the third respondent/husband.

8.The mother and the sister of the third respondent are also present before this Court and they have also submitted that the children were continuing with the education in Fathima School, Thoothukudi and they undertook to take care of the children.

9.In view of the above, the custody of the children is restored back to the third respondent.

10.The custody of the children are handed over to the third respondent/husband, who is the natural guardian. Since the petitioner/wife is not living with the third respondent, we direct the Child Protection Officer, CWC,



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Thoothukudi, to monitor the welfare of the children once in a month and file a report to the Child Welfare Committee.

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

22.07.2025

NCC : Yes / No

Index : Yes / No

NS

To:

- 1.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 2.The Inspector of Police,
Natchiyarkoil Police Station,
Natchiyarkovil,
Thanjavur District.
- 3.The Child Protection Officer,
CWC, Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
R.POORNIMA, J.

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