

HCP(MD)No.708 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.07.2025

CORAM:

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

HABEAS CORPUS PETITION(MD)No.708 of 2025

Alagammai

... Petitioner

vs.

**1. The State represented by
the Inspector of Police,
Thiruverambur Police Station,
Tiruchirapalli.**

2. R.Ramanathan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the first respondent herein to produce the minor child Aadhi Ramanadhan, S/o Alagammai, aged about 7 years from illegal detention of the second respondent herein before this Court and hand over custody of the minor child to the petitioner.

**For Petitioner : Mr.A.Vadivel
For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor
for R.1
: Ms.B.Asha
for R.2**



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ORDER

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

This Habeus Corpus Petition has been filed to direct the first respondent herein to produce the minor child Aadhi Ramanadhan, S/o Alagammai, aged about 7 years from illegal detention of the second respondent herein before this Court and hand over the custody of the minor child to the petitioner.

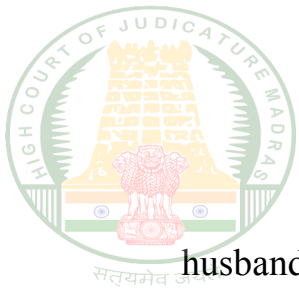
2. The case of the petitioner is that she got married to the second respondent on 22.11.2001 and out of their wedlock, a male child was born on 09.12.2017 and is named as Aadhi Ramanadhan. The petitioner and the second respondent lived in USA between 2004 and 2016 and the child was born at KMC Speciality Hospitals, Trichy and thereafter in February 2018, the petitioner and the second respondent along with the minor son went to USA and they returned back to India in the year 2021. The petitioner and the minor son thereafter left to USA in July 2024 and during the said period, the petitioner got his son admitted in the Fall Creek Elementary School, Indiana State, USA. While so, the second respondent had filed a petition in



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G.W.O.P.No.606 of 2024 before the Family Court, Tiruchirapalli on 15.12.2023 for guardianship and custody of the minor son. The petitioner is effectively defending the same. The second respondent has also filed a petition for divorce in H.M.O.P.No.1523 of 2024 before the Family Court, Madurai seeking dissolution of marriage on the ground of cruelty and the petitioner is also defending the proceedings.

3. It is the further case of the petitioner that she was taking care of her son in USA and she had come back to India on 08.05.2025 and that the petitioner was trying to dissolve the dispute with the second respondent amicably through common friends. While so, on 11.06.2025, the petitioner had gone to the house of common friends at Trichy and the second respondent had informed that he would come and meet the petitioner at the house of the common friends and the petitioner had gone there along with the child. When the petitioner had gone to Trichy, the second respondent had forcibly abducted the minor son in Innova Taxi. Since the petitioner was unable to rescue her son, she had given a complaint to the first respondent police on 12.06.2025 and the complaint was registered in CSR No.483 of 2025. The petitioner was unable to know the whereabouts of her son and subsequently it was informed by the police that the second respondent/ her

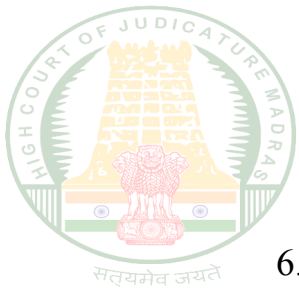


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husband was hiding himself along with the minor son somewhere around Bangalore.

4. It is the further case of the petitioner that the second respondent, who has filed G.W.O.P.No.606 of 2024 before the Family Court, Trichirappalli, had admitted that the custody of the minor son was with the petitioner, whereas he had forcibly abducted the minor child from her custody on 11.06.2025 and the act of the second respondent abducting the minor child from her custody is illegal and that since the respondent police have not taken any action to restore the custody of the child, the petitioner has filed the present Habeas Corpus Petition.

5. Ms.A.L.Gandhimathi, learned Senior Counsel appearing for the petitioner would submit that admittedly G.W.O.P., was pending between the spouses regarding the custody of the child and the second respondent/husband had admitted that the child was in the custody of the mother and while so, in the guise of compromise, the second respondent had come to the house of the common friend at Trichy and had snatched away the custody of the minor child from the petitioner.



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6. Per contra, Ms.Asha, learned Counsel appearing for the second respondent would submit that the second respondent is none other than the father and natural guardian of the minor child and in such circumstances, the custody cannot be stated to be illegal. She would further submit that pending G.W.O.P., the petitioner without intimating her husband/second respondent herein had taken the minor child outside the jurisdiction of the Court to USA and she has also obtained passport, without informing the father of the child.

7. The learned Additional Public Prosecutor would submit that based on the complaint given by the petitioner, enquiry was conducted in CSR No. 483 of 2025, by the first respondent and found that it was a matrimonial dispute and based on the complaint given by the petitioner before the Tallakulam Police Station, Madurai, enquiry was conducted in CSR No.21 of 2024 and the petitioner had given a complaint by stating that the second respondent had taken her son to Bangalore and that enquiry was going on.

8. When the matter was listed on 23.06.2025, we interacted with the minor child, aged 8 years in the chamber. He was capable of understanding the facts and after speaking with him and taking into consideration the interest and welfare of the minor child, we referred the matter to the



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Mediation Centre. The parties were directed to appear before the Mediation Centre and we directed the matter to be listed again on 02.07.2025 and until such time, we directed the interim custody of the child to be with the father.

9. On 02.07.2025, since it was reported that the mediation has not been completed, we, as an interim arrangement, directed that the custody of the minor child, during week days to be with the father and the father should hand over the custody of the minor child to the mother on 04.07.2025 at 06.00p.m., and the minor child shall be returned back to the father on 06.07.2025 at 06.00p.m. Subsequently, as per the request made by both parties, the case stands posted today.

10. Both parties submitted that the mediation has failed and there is no settlement between the parties. Both parties have made allegations and counter allegations with regard to the well being of the minor child. As stated above, taking into consideration the interest and welfare of the minor child, we once again interacted with the minor child – Aadhi Ramanathan. He submitted that he would be happy if his parents join together. However, he submitted that it would be convenient for him to attend the school staying



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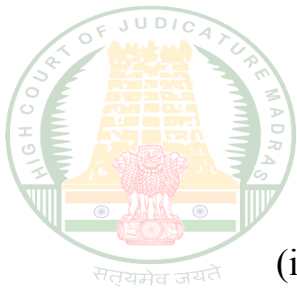
with his mother during the week days and that he is ready to spend the week ends in the company of his father.

11. Taking into consideration that the minor's child education should not be spoiled and the boy's wish to continue his education and attend the school at “Prodigy Educational and Charitable Trust, 1-C, Balan Nagar, Masakalipalayam Road, Coimbatore-641 004”, we have passed the following order;

(i) The minor child shall be with the custody of the petitioner – mother during the week days ie., Monday to Friday and the child shall continue his education at “Prodigy Educational and Charitable Trust, 1-C, Balan Nagar, Masakalipalayam Road, Coimbatore-641 004”;

(ii) The petitioner shall hand over the custody of the child to the father on Friday evening at 07.00p.m., and the child shall be returned back to the petitioner – mother on Sunday evening by 06.00p.m.;

(iii) It is made clear that the child shall not be moved out of the Country by either party without the permission of the other party;



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(iv) We make it clear that this order is only passed as an temporary arrangement, taking into consideration the interest of all the parties and that it will not have any bearing in the outcome of G.W.O.P., pending before the Family Court, Trichy.

12. With the above observations, the Habeas Corpus Petition stands disposed of.

[A.D.J.C., J.] [R.P., J.]
08.07.2025

Index : Yes / No
Internet : Yes/No
Neutral Citation : Yes / No

SSL
To:

1. The Inspector of Police,
Thiruverambur Police Station,
Tiruchirapalli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND

R.POORNIMA, J.

SSL

ORDER MADE IN
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