

HCP(MD)No.735 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.07.2025

CORAM:

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

HABEAS CORPUS PETITION(MD)No.735 of 2025

B.Pothum Ponnu

... Petitioner

vs.

**1. The Commissioner of Police
Madurai City.**

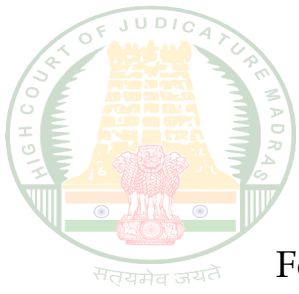
**2. The Inspector of Police
Tallakulam Police Station (L&O)
Madurai City**

3.Sathish Kumar

4.Nagalakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of detainee minor Balamithran, S/o.Sathish Kumar and Pothumponnu aged about 4 years before this Court and handed over the custody of the detainee in the hand of the petitioner.



HCP(MD)No.735 of 2025

For Petitioner : Mr.A.Vadivel
For Respondents: Mr.B.Nambi Selvan
No.1 and 2 Additional Public Prosecutor
For R-3 : No appearance

ORDER

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

This Habeus Corpus Petition has been filed to direct the respondents 1 and 2 to produce the person or body of detenue minor Balamithran, S/o.Sathish Kumar aged about 4 years before this Court and handed over the custody of the detenue in the hand of the petitioner.

2. The case of the petitioner is that the petitioner hails from Scheduled Caste community and her husband/ third respondent hails from Hindu Servai Community. The petitioner and the third respondent fell in love with each other and they got married on 28.09.2020. The fourth respondent having antagonized over the petitioner marrying the third respondent and thereby there used to be frequent quarrel between the petitioner and the fourth respondent..

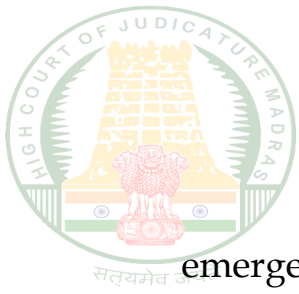


HCP(MD)No.735 of 2025

While so, the petitioner begotten the missing person on 18.06.2021.

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After birth of the son, the fourth respondent and her another son Saravana Kumar who is the petitioner's brother -in-law had threatened them and forced them to go out of the matrimonial home and thereby the petitioner and her son was driven out of their matrimonial home. Citing caste difference the mother-in-law of the petitioner and the brother -in-law/Saravanakumar used to harass them. The third respondent has also taken the aadhar card, birth certificate and other certificates of the petitioner and thereby the petitioner had lodged a complaint before the All Women Police Station, Tallakulam for which CSR No.299 of 2025 dated 24.02.2025 was issued and thereafter no action was taken. While so, on 13.06.2025 at about 3.00 pm., when the petitioner was taking the missing person to Anganvadi, the respondents 3 and 4 restrained the petitioner and snatched the missing person from her and when she tried to take her son from them they assaulted and pushed her down and taken her son by force and they also threatened the petitioner not to talk with her son. The petitioner had given complaint to the



HCP(MD)No.735 of 2025

emergency police on the same day and thereafter on 14.06.2025 sent a complaint to the first respondent since no steps was taken by the police to secure her son from the custody of the fourth respondent the petitioner has approached this Court by way of this petition.

3. We do not normally interfere in this type of matter since the custody of the son was stated to be with his father. However on 26.06.2025 it was reported by the learned counsel appearing for the petitioner that minor missing person/Balamithran was in the custody of the petitioner/mother and while so he was snatched by the respondents 3 and 4 on 13.06.2025 and thereby we directed the second respondent to produce the missing person /minor Balamithran before this Court on 27.06.2025. On 27.06.2025 the third respondent was present before this Court along with minor Balamithran. The third respondent submitted that due to matrimonial dispute the petitioner/wife was living separately and that he was living with his mother and that in the interest and welfare of the minor son they agreed to live together under one roof, thereby this Court directed the



HCP(MD)No.735 of 2025

petitioner to go along with the third respondent/father along with the minor child and the matter was directed to posted for passing further orders.

4. The learned counsel appearing for the petitioner submitted that pursuant to the orders passed by this Court the custody of the child was handed over to the mother and as per the assurance given by the third respondent the petitioner had gone along with the third respondent believing that he would take her to the matrimonial home whereas he dropped her on the way and left her without any instructions. Since the petitioner was standing in the road, she has taken the child back to her mother's house and till date the third respondent has not contacted her. Regarding custody of the child she would submit that custody of the minor child may be with her. The learned counsel would further submit that the petitioner is apprehending that at any time, the third respondent may come again and take the child from her custody and thereby he would seek protection for the petitioner and her child.



HCP(MD)No.735 of 2025

WEB COPY

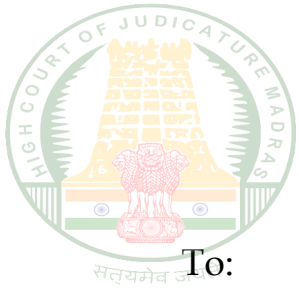
5. Though Mr.P.Suresh Kumar, learned counsel represented the third respondent in the earlier hearing, today neither the third respondent nor his counsel was present before this Court.

6. Now the custody of the child has been restored to the petitioner/mother, thereby nothing survives for further adjudication in the petition.

7. In view of the same, the Habeus Corpus Petition stands closed. However direction is issued to the second respondent to ensure that the third respondent or her mother/fourth respondent never troubles the petitioner and her child.

[A.D.J.C., J.] [R.P., J.]
07.07.2025

Index : Yes / No
Neutral Citation : Yes / No
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HCP(MD)No.735 of 2025

To:

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1. The Commissioner of Police
Madurai City.
2. The Inspector of Police
Tallakulam Police Station (L&O)
Madurai City
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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HCP(MD)No.735 of 2025

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

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ORDER MADE IN
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