



H.C.P(MD)No.770 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM:

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

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

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B.Kasthuri

... Petitioner/
Mother of the detenu

-Vs-

The Staet of Tamil Nadu

1.The Superintendant of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.

3.Indira

4.Selvanathan

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of

India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein



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to secure and produce the body or person of the petitioner's daughter namely Krishika Hashini, D/o.Balakrishnan, aged about 5 years produce her before this Court and hand over her body to the petitioner.

For Petitioner	: Mr.S.Bharathy Kannan
For R1 and R2	: Mr.B.Nambi Selvan Additional Public Prosecutor
For R3 & R4	: Mr.K.R.Laxman

ORDER

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

The Habeas Corpus Petition is filed for a direction to the first and second respondents to secure and produce the body or person of the petitioner's daughter namely Krishika Hashini, D/o.Balakrishnan, aged about 5 years before this Court and hand over her body to the petitioner.

2.The case of the petitioner is that she got married to one Balakrishnan at Thethampatti Village, Singampunari Taluk, Sivagangai District, on 08.03.2017 and out of their wedlock, they were blessed with a female child, aged about 5 years old now. The husband of the petitioner is running three hotels and he used to come to the house of the petitioner once in six months and due to difference of



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opinion between the petitioner and her husband, she had been living along with her daughter. While so, the husband had taken the daughter, along with him and thereby petitioner had gone to the house of her husband on 29.02.2025 at about 08.00 a.m to take her daughter back. At that time, the mother-in-law had informed her that her daughter had gone to the house of Indira, who is the elder sister of her husband. When the petitioner had gone to the house of the said Indira seeking to send her daughter along with her, they have scolded and assaulted the petitioner, resulting in her sustaining injuries and thereby the petitioner had lodged a complaint and a case has been registered in Crime No.50 of 2025 for offence under Sections 296(b), 115(2) of BNS r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3.On 02.06.2025, the petitioner was discharged from the hospital and after discharge, the petitioner had once again gone to the house of the said Indira in search of her daughter and her daughter was not found. Hence, the petitioner had given a complaint on 05.06.2025 to secure her daughter. Since the respondents have not taken any steps to secure her missing daughter, the present Habeas Corpus Petition is filed.



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4.The learned counsel appearing for the petitioner submitted that the petitioner is the mother of the missing person, aged about 5 years old and the respondents 3 and 4 are the mother-in-law and father-in-law and they are keeping the custody of the child and they are refusing to return the child to the petitioner. The learned counsel further submitted that when the petitioner went in search of her daughter, she was assaulted by the sister-in-law and her daughters and she being unable to find the whereabouts of her daughter had filed the present Habeas Corpus Petition.

5.The learned Additional Public Prosecutor submitted that based on the complaint given by the petitioner, a case in Crime No.50 of 2025 was registered for offence under Sections 296(b), 115(2) of BNS r/w Section 4 of Tamil nadu Prohibition of Harassment of Women Act, 2002, against Selvanathan and Indira. Subsequently, the petitioner had given a complaint on 05.06.2025 that the petitioner's husband is refusing to return the child. Based on which, enquiry was conducted in C.S.R.No.168 of 2025. During such time, the husband had brought the child to the police station. The petitioner also appeared before the police station and a compromise was effected that the husband has agreed to permit the



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petitioner to visit her child and that it was also agreed between the parties to approach the appropriate Court for getting custody of the child. The petitioner has also appeared before the police station on that day and she has also given an undertaking not to take further action based on the complaint and thereby the complaint has been closed. He would further submit that on the instruction of the second respondent, the child has been produced by the father.

6.Mr.K.R.Laxmanan, learned counsel representing for the third and fourth respondents submitted that the third petitioner is the sister-in-law and the fourth petitioner is the husband of the sister-in-law. He further submitted that the petitioner has wilfully failed to implicate the father, who is the natural guardian of the child. The child was taken by the father and that the petitioner had given a complaint, based on which, an enquiry was conducted. During such time, the parties have agreed to approach the appropriate forum seeking custody of the child. He further submitted that the petitioner appeared in person before the respondent police and the undertaking was mutually effected. The said Balakrishnan, being the father of the child is the natural guardian and there is no question of illegal detention.



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7. In view of the above, we find that the parties have already been enquired and the custody is also with the father, who is the natural guardian of the child.

Hence, this Habeas Corpus Petition stands closed.

[A.D.J.C.,J.] & [G.A.M.,J.]
04.07.2025

NCC:Yes/No

Index:Yes/No

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To

1. The Superintendant of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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ORDER MADE IN

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