



HCP(MD)No.958 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

H.C.P(MD)No.958 of 2025

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... Petitioner/Mother  
of the detenu

-Vs-

1.The State of Tamil Nadu Represented by  
The Superintendant of Police,  
District Superintendant of Police Office,  
Tenkasi District.

2.The Inspector of Police,  
All Women Police Station,  
Tenkasi District.

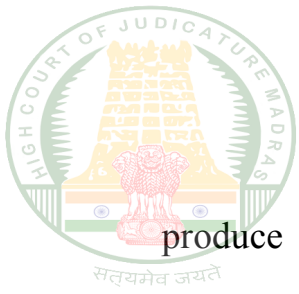
3.The Inspector of Police,  
Sambavar Vadakarai Police Station,  
Sambavar Vadakarai,  
Tenkasi District.

4.Mr.Manikandan

... 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 to

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produce the person or body of the petitioner's daughter namely Silambarasi daughter of Manikandan, aged about 5 years old before this Court to hand over the custody to the petitioner.

For Petitioner : Mr.P.Ponraj

For R1 to R3 : Mr.B.Nambi Selvan  
Additional Public Prosecutor

### **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 and 2 to produce the person or body of the petitioner's daughter namely Silambarasi daughter of Manikandan, aged about 5 years old before this Court to hand over the custody to the petitioner.

2.The case of the petitioner is that she got married to Manikandan on 01.12.2014 and that they are blessed with one daughter viz., Silambarasi, aged about 5 years and one son viz., Mukhil Arav, aged about 3 years. The fourth respondent is the husband of the petitioner working in the Railway Department and he is an alcoholic addict. The petitioner's husband had earlier filed HCP before this Court in H.C.P(MD)No.1564 of 2024 seeking custody of children and when the matter came up for hearing, this Court allowed the said H.C.P., and

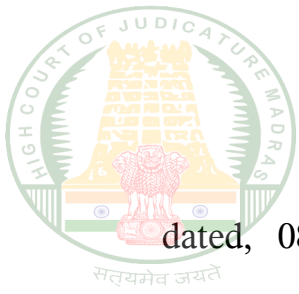


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directed the petitioner to hand over the custody of the elder child to her husband.

The petitioner, in compliance of the direction of this Court, handed over the custody of the daughter to the fourth respondent/husband and that the petitioner legitimately expected that the fourth respondent will allow her to see the daughter on some occasions. Subsequently, the petitioner filed a petition for custody of her daughter in G.W.O.P.no.55 of 2025 before the Principal District Court, Tenkasi and the same is pending for adjudication. In the meanwhile, the petitioner lodged a complaint before the All Women Police Station to see her daughter. Pursuant to which, the petitioner had seen her daughter once in a week and lastly, she saw her daughter on 02.03.2025 and thereafter, the fourth respondent had not allowed the petitioner to see her daughter from 03.03.2025 and later, she came to know that the fourth respondent had not taken care of her daughter. Therefore, the petitioner had sent a complaint to the respondents on 27.07.2025. Since no action had been taken by the respondents to secure the custody of the child, the present Habeas Corpus Petition is filed.

3.The learned Additional Public Prosecutor appearing for the respondents submitted that the missing child is the daughter of the petitioner. Earlier, the fourth respondent, who is the husband of the petitioner, had filed Habeas Corpus Petition in HCP(MD)No.1564 of 2024 before this Court and this Court, by order



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dated, 08.01.2025, directed to secure the custody from the petitioner and considering the paramount interest of the girl child, had directed the petitioner to hand over the custody of the elder child to the fourth respondent and pursuant to the said order, the child is in the custody of the fourth respondent. He further submitted that the petitioner has also filed GWOP No.55 of 2025 before the Sessions Court, Tenkasi, seeking custody of her daughter and in such circumstances, the fourth respondent being the natural guardian and the custody of the child is not under illegal. Since there is no illegality, the respondents have not taken any action.

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

5. Admittedly the fourth respondent earlier had approached this Court by way of filing HCP and this Court, by order, dated 08.01.2025 had taken the custody from the petitioner and the child had been handed over to the fourth respondent/husband and the said order has not been challenged so far. Further, the petitioner has also filed a petition in GWOP No.55 of 2025 seeking custody of her daughter and the same is pending before the Principal District Court, Tenkasi.



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6. In view of the above, since there is no illegal detention, the Habeas Corpus Petition stands closed granting liberty to the parties to agitate the issue before the proper forum.

[A.D.J.C., J.] & [L.V.G., J.]  
13.08.2025

NCC : Yes / No

Index : Yes / No

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To

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3. The Inspector of Police,  
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Tenkasi District.

4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**A.D.JAGADISH CHANDIRA, J.**

**AND**

**L.VICTORIA GOWRI, J.**

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