



HCP(MD)No.978 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.08.2025

CORAM:

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

HABEAS CORPUS PETITION(MD)No.978 of 2025

Manobala

... Petitioner

vs.

1. State of Tamilnadu Rep by,
The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli.

2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ambasamuthiram Range,
Tirunelveli.

3. The Inspector of Police,
V.K. Puram Police Station,
Tirunelveli.

4. Thiru Arputham

5. Thiru.Subbaraja Lakshmanan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents 1 to 3 to produce the person or body of the petitioner's minor son by name



HCP(MD)No.978 of 2025

Aatheeswar, son of Subbaraja Lakshmanan, aged 8 years before this Court and hand over the custody of the detenu to the petitioner.

For Petitioner : Dr.R.Alagumani
For R1 to R3 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
For R4 & R5 : Mr.K.Navaneetharaja

ORDER

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

This Habeas Corpus Petition has been filed to direct the respondents 1 to 3 to produce the person or body of the petitioner's minor son by name Aatheeswar, son of Subbaraja Lakshmanan, aged 8 years before this Court and hand over the custody of the detenu to the petitioner.

2. The petitioner married to the 5th respondent in the year 2013 and in the wedlock, they were blessed with a girl baby namely, Adhira Sri in the year 2014, a boy baby namely, Aatheeshwar (detenu) in the year 2018 and thereafter a girl baby namely, Adi Shivasakti in the year 2024. Due to matrimonial disputes, the petitioner filed a divorce petition in HMOP.No.52 of 2024 before the Sub Court, Ambasamudram, and the



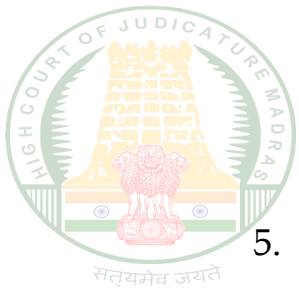
HCP(MD)No.978 of 2025

5th respondent filed HMOP.No.153 of 2024 in the same Court, seeking

restitution of conjugal rights. Alleging that her son was abducted by the 4th respondent/father-in-law on 11.07.2025, the petitioner lodged a complaint to the 3rd respondent/Police and finding that no steps have been taken by the Police to secure her son, the petitioner has filed this Habeas Corpus Petition.

3. The learned Additional Public Prosecutor would submit that based on the complaint given by the petitioner, an enquiry was conducted in CSR.No.773 of 2025 and during enquiry, the 5th respondent/father was present along with the child. He would further submit that between the petitioner and the 5th respondent, matrimonial proceedings are pending. However, it is the admitted case that the minor boy who was all along with the mother/petitioner, was taken by the 5th respondent.

4. On earlier occasion, we mediated the matter between the parties. Pursuant to the same, the parties have entered into a compromise and have filed a joint memo of compromise.



HCP(MD)No.978 of 2025

5. Today, when the case was taken up for hearing, a joint memo dated 25.08.2025, signed by both the parties as well as their counsels, is produced before this Court. The terms of the joint memo are as under:

"A) Accordingly the 4 & 5 Respondents agreed to handover the custody of the detenu to the petitioner herein.

B) Both parties agreed to readmit the detenu at Cambridge Matric Hr.Sec.School, Ambasamudram, Tirunelveli (Dt).

C) The petitioner agreed to handover the custody of the detenu to the 4 & 5 Respondents on every Saturday at 9.00 am and will get back the custody at 6.00 pm on the Sunday (Next day).

D) The petitioner agreed to handover the custody of the daughters namely Aathira Sri and Aathi Siva Sakthi (aged lyear 7 Months) to the 4 & 5 Respondents on every Saturday at 9.00 am and will get back the custody at 6.00 pm on the same day."

6. Both the petitioner as well as the respondents 4 and 5 are present before this Court along with their counsels. Both the parties have stated that they have entered into the abovesaid terms of compromise and filed the joint memo and they would seek that the Habeas Corpus Petition may be disposed of based on the joint memo dated 25.08.2025.



HCP(MD)No.978 of 2025

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Accordingly, the Habeas Corpus Petition is disposed of in terms of the joint memo dated 25.08.2025. We make it clear that this order will not have a bearing in the proceedings pending before the Principal District Court, Tirunelveli, in GWOP.No.216 of 2025. The joint memo dated 25.08.2025 shall form part and parcel of this order.

[A.D.J.C., J.] [R.P., J.]
25.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ambasamuthiram Range,
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HCP(MD)No.978 of 2025

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AND
R.POORNIMA, J.

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

ORDER MADE IN
HCP(MD)No.978 of 2025
DATED : 25.08.2025