



HCP(MD) No.1013 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

H.C.P(MD)No.1013 of 2025

Selvarani

... Petitioner

-Vs-

1. The Superintendent of Prison,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.

3.Karthick

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the Respondent Nos.1 & 2 to secure the petitioner's child by name Venkatesh @ Sivagurudharsanaprasanna, aged about 3 years from the illegal custody of the third respondent and to produce

Page 1 of 6



HCP(MD) No.1013 of 2025

the detenue's body or person before this Court and hand over the custody to the petitioner forthwith.

For Petitioner : Mr.KA.Raamakrishnan

For Respondents : Mr.B.Nami Selvan
Additional Public Prosecutor
for R1 & R2

: Mr.Arul Jenifer for R3

ORDER

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

This petition has been filed by the petitioner seeking for a direction to respondents to produce the body or person of the petitioner's son, namely, Venkatesh @ Sivagurudharsanaprasanna, aged about 3 years and to produce t him before this Court and hand over the custody to the petitioner forthwith.

2. The case of the petitioner is that she got married to the third respondent and out of the wedlock, a son named Venkatesh @ Sivagurudharsanaprasanna was born to them. The further averment is that the third respondent is a drunkard and thereby the petitioner was forced to come out of the matrimonial relationship along with the child in the year 2023. On



HCP(MD) No.1013 of 2025

07.07.2025, when the petitioner had gone for job, the third respondent had trespassed into the house of the petitioner and taken the custody of the child from her mother. Thereafter, the petitioner had went in search of the child and till date, she is unable to see the child and thereby the petitioner had given a complaint before the Puthiyamputhur Police Station and the same was registered in CSR No. 301 of 2025. Since no action has been taken by the police to secure the child, the petitioner has come up with this Habeas Corpus Petition.

3. When the matter was listed on 25.08.2025, as a temporary arrangement, the custody of the detinue/petitioner's child was handed over to the mother of the child/petitioner herein and the petition was directed to be listed today.

4. The learned counsel for the petitioner would submit that the petitioner was having custody of the child all along. Whereas on 07.07.2025, the child was taken by the third respondent from the custody of the petitioner.

5. Per contra, Mr.Arul Jenifer, learned counsel for the third respondent submitted that it is true that the child was with the mother all along. However, the third respondent came to know that the petitioner was taking steps to illegally give her son in adoption to her elder sister who had lost her son, the petitioner had



HCP(MD) No.1013 of 2025

taken the child from the third respondent. He would submit that the elder sister of the petitioner had one son named Venkatesh. The said Venkatesh passed away in the year 2021. Therefore, in order to give the missing child in adoption to her sister, the petitioner without the knowledge of the third respondent has changed the name of the child as Venkatesh and only on account of the same, the third respondent had taken the child back from her. He would further submit that the third respondent is taking steps to file GWOP.

6. When we enquired the petitioner, she submitted that she has changed the name of the son from Sivagurudharsanaprasanna to Venkatesh and it has also been published in the Gazette. We find the some substance in the allegation made by the third respondent. However, taking into consideration the child is less than 5 years, we are granting the custody of the child to the mother/petitioner herein. It is made clear that the child shall not be given in adoption to anybody without the knowledge or consent of the third respondent/father. The third respondent father is entitled to have interim custody of the child on every Saturdays and Sundays. He shall take the custody of the child on every Saturday morning at 9.00 a.m., and shall hand over the child back to the petitioner/mother at 6.00 p.m., on Sundays. We make it clear that the above directions are made only as a temporary arrangement and the parties are at liberty to file appropriate petition seeking



HCP(MD) No.1013 of 2025

custody of the child. The observations made in this petition will not have any bearing in the GWOP going to be filed by the parties.

7. With these directions, this Habeas Corpus Petition is closed. No Costs.

[A.D.J.C., J.] & [R.P., J.]
28.08.2025

NCC : Yes / No
Index : Yes / No
PJL

To

1. The Superintendent of Prison,
Thoothukudi,
Thoothukudi District.
2. The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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HCP(MD) No.1013 of 2025

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AND

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H.C.P(MD)No.1013 of 2025

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