



H.C.P.(MD)No.1399 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN  
and  
THE HONOURABLE MS.JUSTICE R.POORNIMA

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Dhanasri

... Petitioner

-VS-

1.The State of Tamil Nadu  
The Superintendent of Police  
Thoothukudi District.

2.The Inspector of Police  
Thoothukudi South Police Station  
Madurai District.

3.The Inspector of Police  
All Women Police Station (AWPS)  
Madurai Town.

4.Saravanapandiyan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the person or body of the petitioner's minor son named Tharanish, S/o.Saravanapandiyan, aged about 1 ½ years old before this Court and hand over the custody of the minor child to her.



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For Petitioner : Mr.R.Karunanidhi  
For Respondents : Mr.R.M.Anbunithi  
No.1 to 3 Additional Public Prosecutor  
No.4 : Mr.Shahul Hameed

## **ORDER**

(Order of the Court was made by **G.K.ILANTHIRAIYAN, J.**)

This Habeus Corpus Petition has been filed to direct the respondents 1 to 3 to produce the person or body of the petitioner's minor son named Tharanish, S/o.Saravanapandiyan, aged about 1 ½ years old before this Court and hand over the custody of the minor child to the petitioner.

2. The petitioner got married the fourth respondent and it was a love marriage and both of them belong to different community. After their wedlock they gave birth to the male child on 31.01.2024. Thereafter there seems to be some misunderstanding between the petitioner and the fourth respondent. The fourth respondent started suspecting the fidelity of the petitioner and as such the petitioner was driven out of the matrimonial home. Immediately she lodged complaint before the second



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respondent and the same was registered in Crime No.53 of 2025 for the offences under Sections 506(ii) of IPC and Section 67 of the Information Technology Act and Section 4 of TNPHW Act and Sections 3(1)(r), 3(1)(s) of SC/ST( Prevention of Atrocities Act), 1989. Infact after driven out of the matrimonial home the petitioner was kept in a home since she had no other option to reach Thoothukudi. The petitioner was in the home for some period and thereafter she went to her parent's home at Thoothukudi. Even thereafter the fourth respondent went to the house of the petitioner and started torturing her. On 14.11.2025 the fourth respondent by force had taken the one year and nine months minor child from the petitioner and went to Madurai. Immediately the petitioner lodged complaint before the second respondent and the same was registered in Crime No.849 of 2025 for the offences under Sections 296(b), 351(3) of BNS and Section 4 of TNPHW Act ad Section 3(1)(r)(s) of SC/ST(Prevention of Atrocities) Act, 1989. Even then the respondent police did not even conduct enquiry and did not take any steps to secure the minor child aged about 1 year and nine months and therefore the petitioner was constrained to file this petition.



WEB COP 3. Today both the petitioner and the fourth respondent appeared in person along with the minor child.

4. The fourth respondent deposed before this Court that though the petitioner got married with him thereafter she had some illegal intimacy with others. When the same was questioned by the fourth respondent there was quarrel between them.

5. The petitioner deposed before this Court that she belongs to SC/ST community and as such the family members of the fourth respondent did not accept her and even did not permit her to enter into their house and therefore they have set up a separate house . While so the fourth respondent had borrowed loan and he was addicted to drugs and also went to de-addiction centre on three occasions and further he also compelled the petitioner to go for prostitution. When the petitioner refused to do so, the fourth respondent attacked her brutally. Therefore the petitioner sustained injuries and she was also driven out of the



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matrimonial home along with the minor child. Therefore she lodged complaint before the third respondent and even without registering any First Information Report the petitioner was sent to home along with the child and therefore she went to her parent's house at Thoothukudi. The fourth respondent also went to Thoothukudi and tortured the petitioner, therefore the petitioner lodged complaint before the second respondent and the same has been registered in Crime No.53 of 2025 and subsequently the said First Information Report was transferred to the file of the third respondent and re-numbered as Crime No.29 of 2025 on 11.11.2025 and the same is pending investigation. While so, on 14.11.2025 once again the fourth respondent came to the house of the petitioner and forcibly taken the minor child to Madurai. For that also the petitioner lodged complaint and the same is pending in Crime No. 849 of 2025 by the second respondent and the same is also pending.

6. From the statements of the petitioner as well as the fourth respondent and also considering the minor child aged about one year and nine months this Court direct the fourth respondent to immediately



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hand over minor child to the petitioner. Accordingly the minor child is

handed over to the petitioner herein before this Court.

7. In view of the same the respondents 2 and 3 are directed to complete the investigation in both the crime numbers and file a final report in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The fourth respondent is at liberty to approach the concerned Court for appropriate relief in respect of the minor child.

8. With the above direction, the Habeus Corpus Petition stands disposed of. It is made clear that if any interference by the fourth respondent the second respondent is directed to proceed against him in accordance with law.

[G.K.I., J.] [R.P., J.]  
09.12.2025

NCC: Yes/No  
Index: Yes/No  
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To

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Thoothukudi District.

2.The Inspector of Police  
Thoothukudi South Police Station  
Madurai District.

3.The Inspector of Police  
All Women Police Station (AWPS)  
Madurai Town.

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



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