



H.C.P(MD)No.724 of 2025

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 26.06.2025

CORAM:

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

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Shibabi

... Petitioner

-VS-

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
O/o.Kovilpatti All Women Police Station,
Thoothukudi District.

3.Sha Usen

4.The Superintendent,
Sakthi Vidiyal Shelter Home,
No.21, Kennet Nagar, Muthupatti,
Madurai-625003.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondent No.4 to produce body or person of the petitioner's son namely, Abbas son of Sha Usen aged about 11 years before

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this Court and hand over the custody of him to the petitioner.

For Petitioner : Mr.S.M.A.Jinnah
For R1, R2 & R4 : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

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

This petition is filed to direct the fourth respondent to produce body or person of the petitioner's son namely, Abbas son of Sha Usen aged about 11 years before this Court and hand over the custody of him to the petitioner.

2. The case of the petitioner is that the detenue namely, Minor.Abbas, aged about 11 years, was taken in the illegal custody by her husband/third respondent. The petitioner had earlier filed a Habeas Corpus Petition in H.C.P. (MD).No.976 of 2024 and this Court, after hearing the parties, by order dated 11.11.2024 had directed Sakthi Vidiyal Shelter Home, Madurai, to keep the boy/child in the home and had directed the parties to work out their rights before the jurisdictional Family Court/Civil Court.



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3. It is the further case of the petitioner that the third respondent, who is the father of the child, was wanted by the Police in connection with a robbery case and he has absconded and his whereabouts are not known. The child is suffering from enlarged tonsils in his throat and hence, the doctor had advised him to undergo surgery and further feeling home sick and he has expressed his willingness to go along with the petitioner/mother. Despite the request made by the petitioner to the official respondents to handover the custody of the child to the petitioner, they have refused to handover the custody to the petitioner. Hence, the present Habeas Corpus Petition is filed.

4. Mr.B.Nambi Selvan, learned Additional Public Prosecutor would submit that the petitioner had earlier filed Habeas Corpus Petition in H.C.P. (MD).No.976 of 2024 and this Court, after hearing all the parties directed the fourth respondent home to keep the child there itself and also allow him to pursue his studies. However, the fourth respondent home informed that the boy is suffering from enlarged tonsils and he has to undergo surgery and the boy has also become home sick and he wants to go along with his mother.



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WEB COPY5. The boy aged about 11 years was produced before this Court by Vigneshwari, Welfare Officer, Balar Illam, Nagamalai Pudukottai, Madurai and she submitted that the said Balar Illam is a recognized home under the Juvenile Justice Act, 2015. As per the order of the District Child Welfare Officer, the boy has been transferred from the fourth respondent home namely, Sakthi Vidiyal Shelter Home, to Balar Illam, Nagamalai Pudukottai, Madurai District and the boy is also now continuing his studies at Jeyaraj Nadar Higher Secondary School at Nagamalai Pudukottai. She further submitted that the boy has become home sick and he has expressed his willingness to go along with his mother.

6. The boy aged about 11 years, is present before this Court and we enquired the boy. During the course of enquiry, the boy informed that he is now at Balar Illam, Nagamalai pudukottai and he expressed his willingness to go along with his mother, the petitioner herein.

7. Recording the statement of the detenu/boy, the fourth respondent is directed to handover the custody of the body or person of the petitioner's son namely, Abbas, son of Sha Usen aged about 11 years to the petitioner and he shall



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continue his studies in the mother's place at Tenkasi. The concerned authorities shall help the petitioner/mother to get back all the educational certificate of the boy.

8. With this observation, this Habeas Corpus Petition is closed.

[A.D.J.C., J.] [R.P., J.]
26.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vsg



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



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vsg

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