



H.C.P.(MD)No.3 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

H.C.P.(MD)No.3 of 2025

Ambika

... Petitioner / Mother of detenue

Vs.

State of Tamil Nadu rep. by

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Theni.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Periyakulam,
Theni District.
- 3.The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.
- 4.The Social Welfare Officer,
Social Welfare Office,
Theni.
- 5.Anandhakumar

1/5



H.C.P.(MD)No.3 of 2025

6.Anandhi

7.Thottichiammal

8.Dhanuskodi

9.Balu

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 to 3 to produce the body and person of the child, the detainee namely Adhini daughter Anandhakumar aged about 3 ½ years and handover her custody to the petitioner.

For Petitioner : Mr.V.Muthumani

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1 to R4

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

The petitioner got married to D.Anandhakumar and two children were born through the wedlock. Differences arose between the two. When the fifth respondent left the matrimonial home, he took one of the children namely Adhini with him. Seeking custody of the said child, this Habeas Corpus Petition came to be filed.

2/5



H.C.P.(MD)No.3 of 2025

WEB COPY

2. On 06.01.2025, the following order was passed:-

“The petitioner was given custody of the daughter Adhini(detenu). Since the child Adhmika who was with the petitioner expressed her desire to go with the father, we directed the petitioner to hand over the custody of the father temporarily. The matter was referred to mediation. The mediator had expressed optimism that the issue could be resolved.

2. The parties are directed to appear once again before the mediator on 10.01.2025. Call this case on 22.01.2025 at 2.15 pm “for Orders”. Since Adhini does not want to return to her father and Adhmika does not want to return to the petitioner, interim direction given by this Court shall continue till further orders in this HCP.”

3. The matter was referred to mediation. It appears that the petitioner is not extending her co-operation. The arrangement made by us on 06.01.2025 will continue till the jurisdictional Family Court / Civil Court passes an appropriate order at the instance of either of the parties. We have not gone into the merits of the matter. The Habeas Corpus Petition is disposed of.

(G.R.S. J.) & (R.P. J.)
27.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi



H.C.P.(MD)No.3 of 2025

WEB COPY

To:-

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Theni.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Periyakulam,
Theni District.
- 3.The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.
- 4.The Social Welfare Officer,
Social Welfare Office,
Theni.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.3 of 2025

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

rmi

H.C.P.(MD)No.3 of 2025

27.01.2025