



H.C.P.No.2043 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

H.C.P.No.2043 of 2025

Sevanthi

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Bargur, Krishnagiri District.

2.The Inspector of Police,
AWPS-Bargur,
Krishnagiri.

3.M.Madheswaran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus directing the 1st and 2nd respondents to produce the detenues namely Nukriti Srinika aged about 7 years and Lavin Shri, aged about 5 years, the minor children of the petitioner who is being held in illegal custody by the 3rd respondent before this Court and hand over the minor children to the petitioner.



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For Petitioner : Ms.Neelavathi P.
For R1 and R2 : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem
For R3 : Mr.Elavarasan

ORDER

(Order of the Court was made by **N. SATHISH KUMAR, J.**)

This Habeas Corpus Petition has been filed by the petitioner/mother to produce the detenues namely, Nukriti Srinika aged about 7 years, and Lavin Shri, aged about 5 years, the minor children of the petitioner, who are being held in the illegal custody by the 3rd respondent before this Court and to hand over the minor children to the petitioner.

2.It is the case of the petitioner that she married the 3rd respondent in the year 2013 and since their marital life ran into rough weather, they both signed a mutual separation agreement and the petitioner started living in her parental house. Thereafter, under family pressure, the petitioner was forced to remarry the 3rd respondent after his family sought reconciliation and their



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marriage was registered on 25.07.2017. They have begotten two children, namely, Nukriti Srinika now aged about 7 years and Lavin Shri, now aged about 5 years. It is the grievance of the petitioner that the 3rd respondent is not allowing the petitioner to see or talk to her children and when she attempts to meet her children, he is abusing and attacking her. Alleging that her children are speaking with fear and without proper care or attention and that the custody of her children with the 3rd respondent affects the mental well-being of the children, the petitioner has come up with this Habeas Corpus Petition to hand over the minor children to her.

3.Considering the nature of the case, this Court, on the earlier occasion, directed production of the detenues before this Court. Accordingly, today, the petitioner and the 3rd respondent are present and the detenues (minor children) are also produced before this Court.

4.This Court interacted with the parties. On enquiry, it is noticed that the minor children are, at present, in the custody of the father. Though the petitioner (mother) and the 3rd respondent (father) are closely related to each



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other, it appears that there is a matrimonial discord between them and divorce petition is also pending in H.M.O.P.No.184 of 2025 on the file of the Family Court, Krishnagiri. After persuasion, again, we interacted with both the parties. Despite persuasion, there appears no possibility of reconciliation.

5.We have also separately interacted with the minor children. On enquiry, the elder child is 7 years old, studying 3rd Std. in Senthil Public School, Krishnagiri, and the younger child is 5 years old, studying UKG. On interaction, they stated that they will stay with their mother for one day in weekends and return back to their father.

6.Now, it is stated by the petitioner that she has got appointment in the same School where the children are studying. Such being the position, let the petitioner interact with her children in the School during free times. However, let the children continue to be with their father and come to School every day from the father's place. Considering the tender age of the children and in order to create a bondage between the children and the



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mother and also having regard to fact that the children are also inclined to

stay only for one day with their mother, let the petitioner take the children to

her house where she is now staying in Krishnagiri in the evening of Fridays

and have the custody of the children till 5.00 p.m. on Saturday. Thereafter,

the 3rd respondent (father) can take the children to his house and the

children can regularly attend the School from the father's place. This

arrangement shall continue until further orders. In respect of permanent

custody and other reliefs, the same can only be agitated only before the

concerned Family Court/District Court.

7.It is made clear that, in the name of interaction during school hours, the education of the children shall not be spoiled. The only apprehension expressed by the petitioner is that the School authorities may not permit her to meet the children. The 3rd respondent has also assured before us that he will not make any such request before the School authorities. Be that as it may. Let the School concerned permit the petitioner to interact with her children during the intervals and free times. The petitioner is also permitted to participate in the parents-teachers meeting along with the 3rd respondent.



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The 3rd respondent also assured that he will not cause any impediment to the petitioner in joining her job in the School.

8. With the above directions, this Habeas Corpus Petition is disposed of. No costs.

9. Post the matter for reporting compliance on 27.11.2025.

(N.S.K., J.) (M.J.R., J.)
27.10.2025

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Internet : Yes

Index : Yes / No

Speaking Order / Nonspeaking order

Neutral Citation : Yes / No

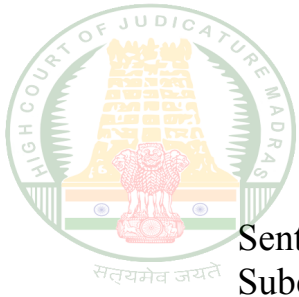
To

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Bargur, Krishnagiri District.

2. The Inspector of Police,
AWPS-Bargur,
Krishnagiri.

3. The Principal,

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Senthil Public School,
Subedar Medu, Krishnagiri – 635 001.

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4.The Public Prosecutor,
High Court, Madras.

N. SATHISH KUMAR, J.



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and
M. JOTHIRAMAN, J.

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