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Crl.M.P.No.8341 of 2022
in
H.C.P.No.1312 of 2021

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P.N.PRAKASH, J.
and
R.N.MANJULA, J.

O R D E R

[made by P.N.PRAKASH, J.]

Gurumoorthy, the petitioner/party-in-person, submitted that a mistake has crept in in the order dated 05.10.2021, inasmuch as it is stated in Paragraph No.3 that the divorce petition that has been filed by Saranya Chandrasekar in the Family Court, Chennai, is yet to be numbered, whereas, the fact remains that the divorce proceedings are pending before the Court. He further submitted that the custody of the child should be given to him as he is the father of the child.

2. A reading of the order dated 05.10.2021 shows that it was passed based on the affidavit dated 05.09.2021 that was filed by the petitioner during the proceedings, wherein he agreed for giving the custody of the child to his wife Saranya Chandrasekar. In fact, in Paragraph Nos.5 and



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6 of the order dated 05.10.2021, it is stated as follows:

“5. Learned counsel for Saranya and the learned counsel for Gurumurthy submitted that the order of this Court dated 07.09.2021 is being complied with in letter and spirit by both the parties.

6. In view of the above, no further orders are necessary in this case. Hence, this Habeas Corpus Petition stands closed with liberty to the parties to approach the jurisdictional Court for appropriate relief like guardianship and custody of the child. Until such time, the parties shall comply with our order dated 07.09.2021. It is open to the jurisdictional Court to pass appropriate orders modifying our order dated 07.09.2021 and decide about the custody of the child without in any manner influenced by the observation made by this Court.”

3. The learned counsel for the first respondent/Saranya Chandrasekar submitted that the petitioner issued pamphlets in and around the Court premises saying that he would go for an indefinite fast, if the custody of the child is not given to him by the Court, for which the petitioner stated that he did so out of frustration.



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4. In view of the observation made in paragraph No.2 (*supra*), the alleged mistake seeking review of which this petition has been filed, pales into insignificance. In such perspective of the matter, there is no ground to review the order dated 05.10.2021 as prayed for by the petitioner.

Hence, this criminal miscellaneous petition stands dismissed.

[P.N.P., J.]

[R.N.M., J.]

24.06.2022

Index : Yes / No
Internet : Yes / No

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