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H.C.P.No.1187 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN

H.C.P.No.1187 of 2022

R.Hem Promoth Shathiriya
S/o.Rangareddy

.. Petitioner

Vs.

State represented by
1.The Commissioner of Police,
Vepery, Chennai - 600 007.

2.Inspector of Police,
(Law & Order),
V-1, Villivakkam Police Station,
Villivakkam, Chennai - 600 049.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the second respondent to produce the petitioner's wife Bakiyalakshmi W/o.R.Hem Promoth Shathiriya, aged about 26 years and minor daughter H.Rugasiya Lakshmi D/o.R.Hem Promoth Sathiriya, aged about 3 years, before this Court and set them at liberty forthwith.



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For Petitioner : Mr.R.N.Karthikeyan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
For Detenues : Mr.Mushtaq Ahmed

ORDER

[Made by **P.N.PRAKASH, J**]

This petition has been filed seeking a direction to the second respondent to produce the petitioner's wife Bakiyalakshmi W/o.R.Hem Promoth Shathiriya, aged about 26 years and minor daughter H.Rugasiya Lakshmi D/o.R.Hem Promoth Sathiriya, aged about 3 years, before this Court and set them at liberty forthwith.

2. On 28.07.2022, this Court passed the following order:

"This Habeas Corpus Petition has been filed by the Petitioner for a direction to the 2nd Respondent / Inspector of Police for production of his wife, namely, Bakiyalakshmi, aged about 26 years and his child H.Rugasiya Lakshmi, aged about 3 years before this Court.

2. Today, the petitioner, detenues, namely, wife and child and the parents of the parties are present before this Court. The wife of the petitioner has stated that the child is in her custody for the last one week and though the child was initially crying in search of her father, subsequently, she has come to normalcy. The wife of the



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petitioner has also consented to hand over the child to the petitioner during week ends in a common place instead of her residence and she requests that the petitioner alone may come to the common area to receive the child and not as a gang.

3. Learned counsel appearing for the respective parties have submitted that the parties are willing for mediation to resolve the issue in the interest of the child.

4. In view of the afore-stated position, we refer the matter to the Tamil Nadu Mediation and Conciliation Centre, Chennai for mediation. Mrs.Uma Ramanathan, Advocate / Panel Mediator is appointed to conciliate between the parties and find out the feasibility of amicable settlement / reunion. The parties are directed to appear before the Mediator on the date convenient to her.

5. It is needless to mention here that as per our earlier order dated 15.07.2022, the detenu / wife of the petitioner, viz., S.Ayisha Siddiqua @ Bakiyalakshmi, as an interim measure, shall hand over the child to the petitioner at 5:00pm on every Friday and the child shall be returned to the wife on or before 5:00pm on every Sunday. As suggested by the wife, the Petitioner alone shall come to receive the child in the Eco Park situated under Guindy Kathipara Bridge near Alandur or any other place commodious to the wife. The wife is permitted to have a company while handing over / receiving the child. The venue and time should be intimated by the wife well in advance to the Local Police, namely, the Inspector of Police, J-3 Police Station, Thiru-vi-ka Industrial Estate, Guindy and to the petitioner. On receipt of such intimation, Guindy Police shall be present at the venue in non-uniform, by keeping distance from the couple and ensure that no untoward incident takes place in that place. The petitioner should also inform his wife about the exact time of arrival to the park to receive / drop the child without making her wait endlessly.

List this matter on 16.08.2022. "

3. Pursuant to the above, the parties were referred for mediation



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wherein they appeared to have entered into a Joint Compromise Memo on 04.11.2022, the terms of which, are as under:

"5. We submit that now, we agreed and arrived for an amicable settlement with conditions as follows:-

- a) Minor child H.Ru.RAGHASIYAA LAKSHMI i.e. the Petitioner/Father have 5 days custody from Sunday on or after 5.00 p.m. to Friday evening on or before 5.00 p.m. and the child should be handed over to the detinue/wife on or before 5.00 p.m. on every Friday and the detinue/wife should hand over the child to the petitioner/father on or after 5 p.m. on every Sunday.
- b) All the maintenance of the minor child H.Ru.RAGHASIYAA LAKSHMI will be vested with the petitioner/father.
- c) We agreed to file a mutual consent petition for divorce before the Hon'ble Family Court at Chennai.
- d) The Petitioner/husband agreed to pay a sum of Rs.12,00,000/- (Rupees Twelve Lakhs only) towards the permanent alimony to his wife S.AYISHA SIDDIQUA @ BAKIYALAKSHMI.q
- e) We agreed not make any further claim towards maintenance or alimony neither for the past present nor future under any provision of law.
- f) We agreed to cooperate and appear before the Hon'ble Family Court for filing the consent divorce petition under section 13(B) of Hindu Marriages Act 1955 and to appear before the Hon'ble Court for all proceedings without fail.
- g) We agreed not to interfere in their separate lives from the date of filing of the mutual consent divorce petition before the Hon'ble



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Family Court.

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- h) We agreed not to violate the above said terms and conditions in future.

Under these circumstances I request to take note of the above said terms and conditions and to pass necessary orders as early as possible."

Recording the same, this Habeas Corpus Petition stands closed with liberty to the parties to work out their remedies in accordance with law.

[PNP, J.] [TKR, J.]
09.11.2022

Index: Yes/No
gm

P.N.PRAKASH, J
and
RMT. TEEKAA RAMAN, J



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gm

To

- 1.The Commissioner of Police,
Vepery, Chennai - 600 007.
- 2.Inspector of Police,
(Law & Order),
V-1, Villivakkam Police Station,
Villivakkam, Chennai - 600 049.
- 3.The Public Prosecutor,
High Court, Madras.

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