



H.C.P.(MD)No.701 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

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C.Panneer Selvam

: Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Thiruppalai Police Station,
Madurai.

: Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to trace out detenu the petitioner's wife namely, 1) Lakshmi, aged 26 years D/o.Raman 2) Vaitheeswari, aged 6 years, D/o.Panneer Selvam, 3) Rithika, aged 4 years,



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D/o.Panneer Selvam, 4) Sabana Sri, aged 2 years, D/o.Panneer Selvam and to produce the persons or bodies of the detainee before this Court and set them at liberty.

For Petitioner : Mr.A.Vadivel
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by R.VIJAYAKUMAR, J.]

It is the case of the petitioner that he got married to one Lakshmi and through the wedlock he has three children namely, 1) Vaitheeswari, aged 6 years, 2) Rithika, aged 4 years and 3) Sabana Sri, aged 2 years. It is the further case of the petitioner that his wife and children went missing from 09.04.2022 and that their whereabouts are not known. Hence, the petitioner has filed the present Habeas Corpus Petition with the above prayer.

2. Heard Mr.A.Vadivel, learned Counsel appearing for the petitioner and Mr.T.Senthil Kumar, learned Additional Public Prosecutor who accepts notice on behalf of the respondents.



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3.Today, Mr.S.Jegatheeswaran [Mobile No.9498183092] Sub-Inspector of Police, Thiruppalai Police Station, Madurai District, is present before this Court.

4.On instructions, learned Additional Public Prosecutor submitted that on the complaint given by the petitioner a case in Thiruppalai Police Station in Crime No.72 of 2022 was registered on 11.04.2022 for 'woman missing' and 'children missing' and they were also produced before this Court. However, this Court referred the parties for mediation, where the parties appear to have arrived at a settlement on 10.06.2022 and the terms of which are as under:

'6. The following statements had been arrived at between the parties hereto:

A. Both the parties agreed to dissolve the marriage by filing respect of the petitioner for divorce by mutual consent before the concerned court below.

B. The petitioner wife namely Lakshmi who illicit with one person (name not mentioned). Hence she willing to go with that person and further she would not claim maintenance forfeiture from the petitioner.

C. All the Sridhana properties which have been exchanged though no claim what so ever.



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D. The petitioner wife agreed to give the custody of her minor children to the father. She will not claim any right or interest over the children in any manner.

E. The petitioner wife living of other person with illicit, hence in the circumstances in the interest of the children to custody with grandmother and father.

F. Lakshmi who mortgaged the property owned by Paneer Selvam in favour of one Thenmozhi for a sum of Rs.2,50,000/- for the purpose of her sister's marriage. During the Mediation / Conciliation process, Lakshmi affirmed to say that she will repay the mortgaged amount and redeemed the document within a period of one year from the date of execution of this document.

7. By signing this Agreement the parties hereto stated that they have no further claims or demands against each other with respect to H.C.P.(MD)No.701 of 2022 (Case No.) and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of conciliation / Mediation.

8. Three children namely Vaitheeswari aged about 6 years, Rithika aged about 4 years and Sabana Sri aged about 2 years were produced along with the detenu by name



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Lakshmi before the mediation by the respondent police.'

5.Recording the same, this Habeas Corpus Petition stands closed. If any of the parties apply for the certified copy of the settlement agreement dated 10.06.2022, the Registry shall furnish the same on payment of charges.

[P.N.P.J.] & [R.V.,J.]

01.07.2022

Index : Yes/No

Internet : Yes/No

MR

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Thiruppalai Police Station,
Madurai.

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



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

MR

ORDER MADE IN
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