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H.C.P.No.525 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

H.C.P.No.525 of 2023

Mariammal

.. Petitioner

Vs

1.State Rep. By
The Commissioner of Police,
Veppery, Chennai – 600 007.

2.The Inspector of Police,
K.K.Nagar Police Station,
K.K.Nagar, Chennai – 600 078.

3.Jagan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing respondent nos. 1 and 2 police to produce petitioner's minor child XXX, aged about 5 years, son of Jagan, before this Court from the custody of the 3rd respondent and handover to the petitioner.

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For Petitioner : Ms.TKS.Bharathy Shri
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.N.Nakeeran
for R1 and R2
Mr.R.Sundaramurthy for R3

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

This order will now dispose of the captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of brevity, convenience and clarity).

2. The central theme of the captioned HCP is a minor child 'XXX' (we are masking the name for obvious reasons and we shall be referring to the minor child as 'absentee') and marital discord between the petitioner and third respondent (to be noted third respondent is a private individual, petitioner and third respondent are spouses).

3. Ms.T.K.S.Bharathy Shri, learned counsel for petitioner, Mr.R.Muniyapparaj, learned State Additional Public Prosecutor for respondents 1 and 2 (official respondents) and Mr.R.Sundaramurthy, learned counsel for third respondent are before this Court.

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4. Learned counsel for petitioner submitted that the marriage between the petitioner and third respondent was on 17.02.2016, two children were born from the wedlock, one on 01.08.2017 (absentee) and another on 30.10.2022 (absentee's younger sibling). It is submitted by learned counsel for petitioner that when the petitioner left for her parental home for delivery qua the younger child, the absentee was with the third respondent, thereafter some differences erupted in the marital relationship and she is unable to meet the absentee. Be that as it may, we were also informed that the third respondent has initiated divorce proceedings in the jurisdictional Family Court vide H.M.O.P.No.5083 of 2022 on the file of IV Additional Family Court, Chennai.

5. When the matter was called/heard in the forenoon session, we were informed that the third respondent is present in the jurisdictional Family Court which is also in the same campus and we were informed that the divorce proceedings in the Family Court were to be taken up today (06.04.2023). As it was submitted that the third respondent has changed his address and that is causing difficulty, we passed over the matter to enable the parties to have an interaction and come back before us. In the second call in the afternoon session,



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the petitioner and third respondent were present before us along with absentee and his younger sibling. Matter of greater significance is we were informed by counsel for petitioner as well as counsel for third respondent and the respective litigants that they have now decided to put aside their differences, they have sunk the differences and they would resume their matrimonial relationship and live under one roof. They also submitted before this Court that they would be good care givers and provide adequate care to their children i.e., absentee and his younger sibling.

6. We are also informed by learned counsel for third respondent on instructions from the third respondent that he would withdraw the aforementioned divorce proceedings from the jurisdictional Family Court so that the matter is given a complete quietus. This submission is also recorded and we request the jurisdictional Family Court to do needful on production of copy of this order or downloaded version from the official website.

7. Before we drop the curtains we place on record that the counsel had been very fair in their submission which has led to this happy ending of the entire episode.



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8. Ergo, the sequitur is, captioned HCP is disposed of as closed albeit with the above mentioned observation and with the above mentioned record of proceedings.

(M.S.,J.) (D.N.R.,J.)
06.04.2023

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

- 1.The Commissioner of Police,
Veppery, Chennai – 600 007.
- 2.The Inspector of Police,
K.K.Nagar Police Station,
K.K.Nagar, Chennai – 600 078.
- 3.The Public Prosecutor
High Court, Madras.



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**M.SUNDAR, J.,
and
Dr.D.NAGARJUN , J.,**

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