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H.C.P.No.726 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.726 of 2023

A.Asma Banu

... Petitioner

Vs.

1.State represented by
The Commissioner of Police
Chennai District,
Vepery, Chennai.

2.The Inspector of Police,
Royapettah Police Station,
Royapettah,
Chennai District.

3.M.Ajeeram Beevi

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus to produce the body of the petitioner's husband Mr.M.Mohammed Abdul Kather, S/o.Mohammed Meeran, Male, aged 40, before this Court from the custody



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of the 3rd respondent and set him at liberty.

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For Petitioner : No appearance
For R1 and R2 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

The petitioner, who is the wife of the detenu, namely, M.Mohammed Abdul Kather, S/o.Mohammed Meeran, aged 40 years, has come up with this Habeas Corpus Petition to produce the detenu before this Court from the custody of the 3rd respondent, who is the father of the detenu, and to set him at liberty.

2.Heard Mr.E.Raj Thilak, learned Additional Public Prosecutor, appearing for the State.

3.The petitioner has come forward to file this petition with an allegation that the detenue, who is her husband, is in the illegal custody of



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his parents, viz., 3rd respondent. This Court, earlier, by an order dated 06.06.2023, after recording its observation that it is not a case of illegal detention but a case of marital discord, referred the matter to the Tamil Nadu Mediation and Conciliation Centre under the aegis of this Court, to explore the possibilities of settling the disputes between the parties, as the petitioner and the detenu have also expressed their intention to settle their issues through mediation. Further, this Court specifically observed in the earlier order that the 3rd respondent, who is the mother-in-law of the petitioner, shall not be part of the mediation and that the mediation is confined only to the petitioner and the detenu. The matter was directed to be listed six weeks thereafter.

4.Despite the matter being listed today, there is no representation on behalf of any of the parties.

5.Since this Court has already found that it is not a case of illegal detention and the parties are trying to resolve their disputes through mediation on other issues, this Court is of the view that it is not necessary to



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keep this petition pending any further. Therefore, recording the fact that the detenu is not in illegal detention, this Habeas Corpus Petition is closed.

6.If the parties reach at a mediation agreement in future, it is open to them to work out their rights by filing appropriate petition and the closure of this Habeas Corpus Petition will not stand in the way of the petitioner or her husband to enforce the mediation agreement, if any, by process known to law.

(S.S.S.R., J.) (S.M., J.)
02.11.2023

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1.The Commissioner of Police
Chennai District,
Vepery, Chennai.

2.The Inspector of Police,
Royapettah Police Station,
Royapettah,
Chennai District.

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3.The Tamil Nadu Mediation and Conciliation Centre,
High Court Campus, Madras.

4.The Public Prosecutor,
High Court, Madras.



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