



WEB COPY



H.C.P.No.1066 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE Mr.JUSTICE R.SAKTHIVEL

H.C.P.No.1066 of 2023

Rasul
S/o.Mohamed Anifa

.. Petitioner

Vs.

1. The Commissioner of Police
Tambaram City

2. State rep. By its
The Inspector of Police
W Chitlapakkam All Women Police Station
Tambaram

3. Ayisha

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the second respondent to produce the person and body of the petitioner's minor children one son namely Abdul Sirath, male, aged about 7 years, son of Rasul and another

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daughter namely Thowhida, female aged about 3 years, daughter of Rasul before this court from the custody of the third respondent and handover to the petitioner.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity].

2. Factual matrix in a nutshell is that the petitioner and third respondent are married; that the date of marriage is 12.02.2015; that the petitioner and third respondent have three children from the wedlock/matrimonial tie; that the three children are one seven year old boy, four year old girl child and seven months old male infant; that there was matrimonial discord between the petitioner and third respondent; that apprehending that the third respondent may have been illegally detained by her parents against her will, captioned HCP has been filed in this Court on 08.06.2023; that yesterday (22.06.2023) notice was issued; that the third



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respondent, her parents, petitioner, petitioner's counsel Mr.S.Senthilvel,
Mr.E.Raj Thilak, learned State Additional Public Prosecutor for
Respondents 1 and 2 (official respondents) are before this Court today.

3. The third respondent and petitioner had a one-to-one interaction for
some time and this matter was passed over for this purpose.

4. Post discussion/interaction in the second call, it was reported to
this Court that the petitioner and third respondent would try and arrive at an
amicable solution qua their matrimonial discord by resorting to mediation.
It is open to the parties to approach the jurisdictional Mediation Centre
under the aegis of the jurisdictional Court. If the petitioner and third
respondent choose to adopt this course, the jurisdictional Mediation Centre
under the aegis of the jurisdictional Court i.e., the Mediation Centre which
is an adjunct of the jurisdictional Court shall do the needful in accordance
with Standard Operating Procedures.

5. As this is not a case of illegal detention as would be evident from
the narrative thus far, we deem it appropriate to drop the curtains on the
captioned HCP.



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6. The sequitur is captioned HCP is disposed of as closed albeit preserving all the rights and contentions of all the parties if there are any collateral / connected proceedings.

(M.S.,J.)

(R.S.V.,J.)

23.06.2023

gpa

To

1. The Commissioner of Police
Tambaram City
2. State rep. By its
The Inspector of Police
W Chitlapakkam All Women Police Station
Tambaram
3. The Public Prosecutor
Madras High Court, Chennai



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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

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