



WEB COPY



HCP No.1572 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1572 of 2023

Vimalraj
S/o.Ponnusamy

.. Petitioner

Vs.

1. The Superintendent of Police, Tiruppur
Palladam Main Road
Karuppa Gundanpalayam
Tiruppur,
Tamil Nadu - 641 604.
2. The Inspector of Police
Udumalpet
All Women Police Station
Kuttai Thidal
Udumalaipettai, Tiruppur
Tamil Nadu - 642 126.
3. Murugan Arunachalam
M.G.R. Nagar Kothamangalam
Sathyamangalam
Ikkaraithathapalli
Erode, Tamil Nadu - 638 451.
..Respondents



HCP No.1572 of 2023

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Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondent police to produce petitioner's wife Ramya, aged 22 years and petitioner's daughter 'xxxxx' aged 3 years before this Hon'ble Court and set them at liberty.

For Petitioner	:	Ms.K.Zeenath Shariffa
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor

ORDER

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

In the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity, convenience and clarity] it is a case of matrimonial discord between the petitioner and his wife Mrs.Ramya. Petitioner's wife has already instituted Family Court proceedings vide H.M.O.P.No.53 of 2022 on the file of Sub-Court, Sathyamangalam.

2. As the grievance of the petitioner pertains to matrimonial tie qua his wife and custody of his three year old daughter, learned counsel sought leave of this Court to withdraw the captioned HCP but made a plea that all the rights and contentions of the petitioner, petitioner's wife Mrs.Ramya and all concerned with the matter including third respondent (father-in-law of the



HCP No.1572 of 2023

petitioner) may please be preserved for being canvassed in the aforementioned Family Court or any other appropriate jurisdictional Court besides preserving rights of all concerned for approaching jurisdictional GAWA Court (to be noted, 'GAWA' stands for 'Guardians and Wards Act, 1890') for custody of minor child. This request is acceded to.

3. Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

Withdrawing this petition
K. Lakshmi
S. Srinivas
28/1/22
21/8/23.

4. All the rights of all parties concerned are preserved in this regard. If the jurisdictional Family Court and / or jurisdictional GAWA Court or Court/s/Forum/Fora/Authority/Authorities is approached, the same shall consider the matter on its own merits and in accordance with law *de hors* closure of this captioned HCP which is for the limited purpose of giving a closure to this habeas drill. Furthermore, we deem it appropriate to say that we preserve the rights of the petitioner, anyone concerned for the petitioner's



HCP No.1572 of 2023

wife and / or petitioner's minor child to come to this Court with a same / similar prayer i.e., HCP if there are any other developments in the days to come.

5. Captioned HCP disposed of as closed / withdrawn albeit preserving all rights and contentions of all concerned in the aforementioned manner.

(M.S.,J.) (R.S.V.,J.)
21.08.2023

Index : Yes / No
Speaking / Non-speaking order
Neutral Citation : Yes / No

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To

1. The Superintendent of Police, Tiruppur
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3. The Public Prosecutor,
High Court, Madras.



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

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