



HCP(MD)No.802 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.802 of 2023

P.Kumar

.. Petitioner / Husband of Detenue

Vs.

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Cumbum North Police Station,
Theni District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents to produce the body or person of the petitioner's wife the detenue Suganya, D/o.Santhanam, (aged about 29 years) and minor daughter Subiksha (aged about 9 years) before this Court and set them at liberty.



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For Petitioner : Mr.M.Karunanithi
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present petition is filed for issuance of a writ of Habeas Corpus to produce the body or person of the petitioner's wife and minor daughter before this Court and set them at liberty.

2. Owing to certain matrimonial disputes between the petitioner and his wife, namely, Suganya, aged about 29 years, his wife has left his house on 03.04.2023 along with her minor daughter, namely, Subiksha, aged about 9 years. The petitioner also has one more male child, namely, Sakthi, who is five years old. In this connection, the petitioner had given a complaint on 05.04.2023 before the second respondent herein, which was registered in Crime No.105/2023 under the caption “woman/girl missing”. In this background, the present Habeas Corpus Petition has been filed.



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3. Earlier, the second respondent herein had produced the petitioner's wife and child before us. We had an interaction with the petitioner as well as his wife and during the course of the interaction, we felt that it is a fit case for referring to mediation and accordingly, the case was placed before the Mediation and Conciliation Centre attached to this Bench.

4. Through the mediation report dated 29.07.2023, it is seen that the petitioner's wife had expressed her unwillingness to go with the petitioner and she had stated that she wanted to live separately. She had given the custody of her child, Subiksha, to the petitioner and also stated that she has no objection to the same. Thus, both the children have now reconciled with the petitioner herein. The learned counsel for the petitioner also stated that the petitioner is not insisting for the custody of his wife.

5. Since the grievance of the petitioner seems to have been met, no further orders are required in the present Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition stands closed. In case, the



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petitioner's wife intends to visit her children, it is always open to her to inform the petitioner in advance and visit the children, to which, the petitioner shall not raise any objections.

(M.S.R.,J.) (M.N.K.,J.)
04.08.2023

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Superintendent of Police,
Theni District,
Theni.
- 2.The Inspector of Police,
Cumbum North Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

Lm

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