



HCP(MD)No.863 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.09.2023

CORAM

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

H.C.P.(MD)No.863 of 2023

P.Krishnaveni

.. Petitioner

Vs.

1.The State rep. by
the Superintendent of Police,
Madurai District
Madurai.

2.The Inspector of Police,
Silaiman Police Station,
Madurai.

3.M.Parvathi

4.M.Malathi

5.Murugan

6.Arumugam

7.Ganeswaran

.. Respondents



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PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the body or corpus of petitioner's husband Saravanan S/o.Maruthaiya aged about 42 years residing at 94 Vannanpachari Puthunagar, Rajavallipuram Post, Tirunelveli Taluk, Tirunelveli District before this Court by securing him from illegal custody and set him at liberty forthwith.

For Petitioner : Ms.M.Nandhini
Priyadharshini for
M/s.D.Geetha

For Respondents : Mr.RMS.Sethuraman for R1
& R2
Additional Public Prosecutor
Ms.C.Geetha for R3 and R4

ORDER

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

Claiming that the petitioner's husband Saravanan aged about 42 years is in the illegal custody of the 7th respondent herein, the complaint in CSR No.320/2023 before the second respondent was made and since no action was taken on the said complaint, the present Habeas Corpus Petition has been filed before this Court.



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2. Pending this Habeas Corpus Petition, the mother and sister of the petitioner's husband were present before us. Apart from the custody, there seems to be various disputes revolving around the properties covered under the settlement deeds registered as Document No.717/2005 dated 03.08.2005 and Document No.5063/2005 dated 17.10.2005 on the file of the Joint Registrar I, Tirunelveli Registration District. It was stated by the learned counsel for the petitioners that the properties were mortgaged only for the purpose of meeting out the hospital bills and medical expenses of her husband and for the school education of her daughter. In support of such claim, the learned counsel for the petitioner produced memo of the expenses meted out by her, total of which, is a sum of Rs.5,04,327/-. We had also directed the petitioner to produce the aforesaid two documents before us and accordingly, the originals of the same were also produced, which was, in turn, deposited before the Registrar (Judicial) of the Madurai Bench of Madras High Court.

3. Since the third and fourth respondents were not represented by any counsel and instructions were required from them as well, we had requested Ms.C.Geetha, (Enrollment No.4384/2021) Chamber No.191 Room No.6, 1st



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Floor, Subham Apartment, Indira Nagar, Vouval Thottam, Othakadai, to act as a legal aid counsel for the respondents 3 and 4. Accordingly, she had obtained instructions from them and reported before us that the parties may reconcile and live together. Accordingly, we had called upon all the counsels to conduct a mediation among themselves and report before us.

4. Today when the matter was called, all the counsels represented that pursuant to the mediation talks, the petitioner had agreed to reconcile and live with her husband Saravanan along with the minor daughter peacefully. The petitioner and her husband are physically present before us, who had also ratified that they would live together peacefully. In view of the amicable settlement arrived at between the parties, the documents produced before us can be returned to the petitioner's husband Saravanan.

5. In the light of the aforesaid developments, whereby the petitioner and her husband had agreed to join and live together, no further orders are required to be passed in the present petition.



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6. Registry is directed to return the original settlement deeds dated 03.08.2005 and 17.10.2005 to the petitioner's husband Saravanan after obtaining a receipt from him.

7. Accordingly, the Habeas Corpus Petition stands closed.

8. The Legal Aid Services Authority is directed to pay the stipulated remuneration to the legal aid counsel expeditiously.

(M.S.R.,J.) (M.N.K.,J.)
29.09.2023

NCC : Yes / No
Internet : Yes

Copy to : Registrar (Judicial), Madurai Bench of Madras High Court,
Madurai.

RR

To

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



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and
M.NIRMAL KUMAR,J.

RR

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