



HCP(MD)No.906 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.09.2023

CORAM

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

H.C.P.(MD)No.906 of 2023

Muniswaran

.. Petitioner

Vs.

1.The Deputy Superintendent of Police,
Srivaikundam
Tuticorin District.

2.The Inspector of Police,
Srivaikundam Police Station,
Tuticorin District
Crime No.180 of 2023

3.Vaikunda Mariappan

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the 1st and 2nd respondents to produce the body or person of the detenues namely, 1) Sumathi (27 years) W/o.Muniswaran, who is the wife of the petitioner 2) Muthu Sudharsan (6 years), S/o.Muniswaran & 3) Muthu Mathesh (4 years) S/o.Muniswaran, who are sons of the petitioner before this Court and consequently to set them at liberty.



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

ORDER

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

When the petitioner's wife Sumathi had allegedly eloped with the third respondent along with her two minor children, the petitioner's complaint in this regard came to be registered in Crime No.180/2023 under the caption, 'woman and boys missing' on 13.07.2023. In this background, the present Habeas corpus Petition has been filed.

2.Pending the Habeas Corpus Petition, the parties were referred to mediation by this Court and they had appeared before the Mediation and Conciliation Centre attached to this Bench. Accordingly, both parties had entered into a settlement, which was recorded in the following manner:

“a. That the respondent the wife of the petitioner is not willing to live with the petitioner hence she is not willing to go with the petitioner.

b. It is agreed that minor deenues 2nd and 3rd are presently living with the 1st detenue. Since she is not willing



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to live with her husband, she is ready to handover the minor detinue to the petitioner on 22.09.2023 before the Hon'ble Judges of this Court.

c.It is further agreed that the 1st detinue who is having the Aadhar card and other certificates of the minor children will hand over the available certificates to the petitioner on 22.09.2023.

d.It is further agreed that the women & child missing complaint filed by the petitioner on the file of SI – Srivaikundam Police Station in Cr.No.180/2023 may be closed. The petitioner is also not willing to take any other legal action against the 1st detinue.

e.The 1st detinue further agrees that since she is going out of matrimonial home and of her own wish and that she is leaving the children with her husband/the petitioner herein she is not claiming any maintenance for her from the petitioner/husband either in present or in future.

f.Both the petitioner and 1st detinue agrees to dissolve the marriage by filing an application for divorce by mutual consent before the competent Court of law.”

3. Thus, it is seen that the petitioner's wife had willingly given custody of her minor children to the petitioner herein and has expressed that she does not intend to live with the husband/petitioner. The petitioner, who



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is also present before this Court, was given physical custody of the children, before us. The petitioner's wife, who had brought the minor children, does not have any objections for such handing over of the children to the petitioner. Thus, the custody of the minor children having been restored to the petitioner herein, no further orders are required to be passed in this petition.

4. Accordingly, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
22.09.2023

NCC :Yes / No

Internet : Yes

RR

To

1.The Deputy Superintendent of Police,
Srivaikundam
Tuticorin District.

2.The Inspector of Police,
Srivaikundam Police Station,
Tuticorin 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.

RR

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