



H.C.P(MD)No.1203 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.10.2023**

CORAM :

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **R.KALAIMATHI**

H.C.P(MD)No.1203 of 2023

M.Subhashini

... Petitioner

vs.

1. The Superintendent of Police,
Dindigul District.

2. The Inspector of Police,
All Woman Police Station,
Dindigul,
Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents to produce the petitioner's daughter Tarikaa aged 7 years who has been illegally detained by the petitioner's husband and his relatives before this High Court and hand over her custody to the petitioner.

For Petitioner : Mr.G.Cenil

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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

After some arguments, Mr.G.Cenil, learned counsel for petitioner sought leave to withdraw the captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of brevity), but made a request to preserve all the rights and contentions of the petitioner including the averments and contentions raised in the support affidavit in captioned HCP for working out her remedies with the suitable petitions in the appropriate Court / Courts / Forum / Fora / Authority / Authorities.

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

PA
The counsel for petitioner
requested ^{before} this Honble
High Court to permit
to withdraw the HCP


Counsel for petitioner
G. CENIL
3366/11
6/10/2023



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3. To be noted, it also came to light that the petitioner's estranged spouse who is not a party before us, has filed a petition for permanent custody of the 7 year old daughter of petitioner and her spouse 'xxxxx' [we are masking the name of petitioner's daughter and we shall be referring to petitioner's daughter as 'absentee' for the sake of convenience, clarity and obvious reasons]. The petition is in Family Court at Pune and it is P.D.No.60 of 2023. It also comes to light that the petition has been filed *inter alia* under Sections 7, 17 read with Rule 10 of the 'Guardians and Wards Act, 1890' (hereinafter 'GAWA' for the sake of brevity). The petition contains the address of the spouse of the petitioner and the same is as follows:

'Flat No.803, Building No.A-1,
Kingsway Society,
B.T.Kawade Road,
Ghorpadi,
Pune-411 003'

4. We also preserve the rights of the petitioner to come back to this Court with same / similar prayer if there are any / further developments warranting such a course.



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5. Captioned HCP is disposed of as closed / withdrawn albeit with aforementioned observation and with preservation of rights in the aforesaid manner.

(M.S., J.) (R.K.M., J.)
06.10.2023

Index : Yes/No

Neutral Citation : Yes/No
bala

To

1. The Superintendent of Police,
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Dindigul District.



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M.SUNDAR, J.
and
R.KALAIMATHI, J.

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ORDER MADE IN
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DATED : 06.10.2023