



H.C.P(MD)No.1279 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

H.C.P(MD)No.1279 of 2023

Syed Ibrahimsha

... Petitioner

vs.

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

2. The Inspector of Police,
All Women Police Station,
Sankarankoil, Tenkasi District - 627756.

3.Pakir Mydeen

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the persons or bodies of detenue K.Julfa @ Kothar Fathima aged 30, Hazira Muthumina now aged 11 and Ummul Umara now aged 6, who are wife and daughters of Syed Ibrahimsha respectively before this Court and set them at liberty.

For Petitioner

: Mr.M.Sathiamoorthy

For Respondent Nos.1 & 2

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed in this Court on 16.10.2023.

2. When the matter was taken up, it came to light that the petitioner's spouse K.Julfa @ Kothar Fathima has initiated divorce proceedings vide O.S.No.24 of 2023 on the file of Family Court, Tirunelveli. Learned counsel for HCP petitioner Mr.M.Sathiamoorthy, very fairly submitted that the HCP petitioner has received summons in the case but that was after filing of the captioned. On this basis, learned counsel sought leave of this Court to withdraw the captioned HCP but made a plea to preserve all the rights and contentions of the petitioner and or anyone concerned with the case for connected/collateral proceedings in any other Court / Courts / Forum / Fora / Authority / Authorities.

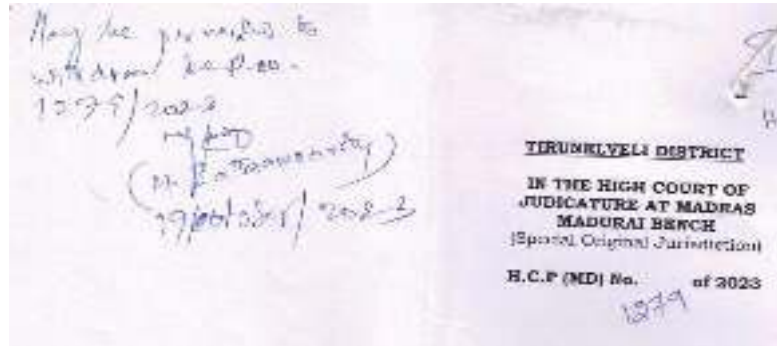
3. Learned counsel has made an endorsement in the case file and a



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scanned reproduction of the same is as follows:

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4. The request of learned counsel to preserve the rights is acceded to. All the rights and contentions of petitioner, third respondent, petitioner's spouse and or anyone concerned with the matter are preserved for proceedings in O.S.No.24 of 2023 on the file of Family Court, Tirunelveli, and or any other proceedings for custody and or any other proceeding with regard to the issue on hand that may be initiated before any Court / Courts / Forum / Fora / Authority/ Authorities, are preserved. We make it clear that such Court / Courts / Forum / Fora / Authority/ Authorities shall deal with the matter on its own merits and in accordance with law untrammelled by this order which has been made for the limited purpose of giving a closure of the captioned HCP.

5. Captioned HCP is disposed of as closed/withdrawn albeit with



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the aforesaid observations and preservations of rights in the
aforementioned manner. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
19.10.2023

Index : No
Internet : Yes
Neutral Citation : No
PKN

To

1. The Superintendent of Police,
Tenkasi District, Tenkasi.
2. The Inspector of Police,
All Women Police Station,
Sankarankoil, Tenkasi District - 627756.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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ORDER MADE IN
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19.10.2023