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HCP.No.1042 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

H.C.P.No.1042 of 2025

S.Anand

Petitioner(s)

Vs.

1.The Superintendent of Police,
Erode.

2.The Inspector of Police,
South Police Station, Erode

3.Raja

4.Deepa

5.Murugesan

6.Vaasuki

7.Singaravelu

8.Pushpa

9.Parthiban

10.Vijayakumar

11.Selvi

...Respondent(s)



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the petitioner's minor daughter, Poojashree, aged 12 years, D/o. S.Anand, now under the illegal detention of the respondents 3 to 11, before this Court and handover her legal custody to the petitioner.

For Petitioner : Mr.AR.M.Arunachalam

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
for R1 and R2

ORDER

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

This Petition has been filed seeking a direction to the respondents 1 and 2 to produce the body or person of the petitioner's minor daughter, Poojashree, aged 12 years, who is under the illegal custody of the respondents 3 to 11 presently, before this Court and handover her legal custody to the petitioner herein.



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2. By taking into account that the minor daughter of the petitioner herein was aged only about 12 years and that the child has been under the care and protection of her maternal grandparents of the family, this Court, vide order dated 10.06.2025, had referred the parties to Mediation and Conciliation Centre attached to this Court.

3. When the matter was taken up today, it was brought to our notice that on 06.06.2025, both the parties have amicably resolved their differences, touching upon the custody of the petitioner's minor daughter and had arrived at a mutual settlement through mediation. The relevant portion of the mediation report reads as follows:

"6. The following settlement has been arrived at between the parties hereto:

A. The respondents 3, 5, 7, and 11 are the siblings of the petitioner's deceased Wife Latha and are permanent residents of R Komarapalayam, Rasipuram, Namakal District and are children of Mr.Marimuthu , aged 87 , resident of the same locality, R Komarapalayam, Rasipuram, Namakal District.



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B. The 10th respondent , aged 30 years , having got married over 1-1/2 years ago, is the son of 5th respondent is residing as a family along with his wife at his Grand-father's house Mr.Marimuthu at 1/72, Mariyamman Kovil Street, 85, R Komarapalayam, Rasipuram Namakkal.

C. Pursuant to the petitioner's wife's death on 4.5.2025 , his daughter Minor.A.Pooja Sri , who had been earlier studying at M/s.KalaiMagal KalviNilayam , Erode , had been taken custody by the respondents 3 to 11 and got her admitted at a Vidya Mandir School at Rasipuram Town, in Class VII for the Academic 2025-26

D. Pursuant to the mediation held between the parties before this Hon'ble Court, it is agreed by the respondents 3, 5, 7 and 11 and their family members to up-bring the Minor child A.Pooja Sri in the best and cordial atmosphere at their father Mr.Marimuthu's residential home, to which the Writ petitioner agrees.

E. In this regard, it is agreed by the 10th respondent that he shall have the physical custody of the Minor Child and he along with his wife Ms.Nanditha and his sister Yasodha shall personally monitor for the well-being of



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the Minor Child Pooja Sri, regularly on a day to day basis. This statement is made by the 10th respondent in the presence of his father viz. 5th respondent before the Mediation proceedings.

F. That the respondents 3 to 11 do not have objections on the Writ Petitioner coming and meeting his Minor Daughter during such times as and when required and also they do not have objection in the Minor Daughter meeting her father during the Quarterly / Half Yearly and such other holidays as fixed by the School with extended stay.

G. That the present Agreement between parties including the Minor Daughter Pooja Sri , that is reduced to writing, is purely on today's mindset and understanding between all

H. That the present understanding between parties shall stand revised / modified as and when there is change in environment and circumstances in the upbringing of the Minor Child at the 10th respondent's home."

M.S.RAMESH, J.
and



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V. LAKSHMINARAYANAN, J.

Anu

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4. In view of the settlement arrived at between the parties through mediation, no further orders are required to be passed in this petition. Accordingly, this Habeas Corpus Petition stands closed.

[M.S.R., J] [V.L.N., J]
17.06.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

To

1.The Superintendent of Police,
Erode.

2.The Inspector of Police,
South Police Station, Erode

3.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1042 of 2025