

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-09-2015

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN
AND
THE HON'BLE MR.JUSTICE C.T.SELVAM

H.C.P. No.1898 of 2015

K.Sridhar

.. Petitioner

vs

- 1.The Superintendent of Police
Nagapattinam District.
- 2.The Deputy Superintendent of Police
Nagapattinam
Nagapattinam District.
- 3.The Inspector of Police
Kuthalam Police Station
Nagapattinam District.
- 4.The Inspector of Police
Myladuthurai Town Police Station
Nagapattinam District.

5.Baskaran

.. Respondents

Habeas Corpus Petition filed under Article 226 of Constitution of India praying for a Writ of Habeas Corpus, directing respondents 1 to 4 to find out the whereabouts of the petitioner's wife and rescue her from the illegal custody of the 5th respondent and produce the body and person of the detainee, viz., Manju, aged about 23 years, before this Court and set her at liberty.

For Petitioner : Mr.S.Rajanikanth

For Respondents: Mr.A.N.Thambidurai
Additional Public Prosecutor
for R.1 to R.4

Mr.Rajiv Gandhi
for M/s.N.V.S.Associates
for R.5

ORDER
(Order of the Court was made by B.RAJENDRAN, J.)

This petition has been brought forth by one K.Sridhar, seeking the production of his wife/detenué Manju, aged 23 years, before this Court and set her at liberty.

2. Today, when the matter is taken up, the detenué Manju is present in Court. She is an educated lady and she is aged 23 years. She voluntarily stated before this Court that even though, she has married the petitioner, now she is not willing to go along with the petitioner. She further informed the Court that her mother is present and that her father, who had underwent bypass surgery, is also present. She informed the Court that the fifth respondent is her father and she is willing to go back with him to the parental home.

3. At this juncture, learned counsel for the petitioner would submit that the matter may be referred to Mediation. Immediately, in the Open Court, the detenué informed the Court that she is not willing to go for Mediation and even if the matter is referred to Mediation, even before the Mediation Centre, she would say the same thing as no purpose would be served by referring the matter for Mediation. This Court cannot compel any of the party to go for Mediation. Only by consent of both parties, the matter could be referred to Mediation. When the detenué has not agreed to go for Mediation, this Court cannot compel her under law. Under such circumstances, this Court taking into consideration that the age of the detenué is 23 years is of the view that the detenué could be set free and she is free to go back to the parental home with her father/fifth respondent.

4. The statement of the detenué is recorded and the detenué is set at liberty. Accordingly, this Habeas Corpus Petition is disposed of.

सत्यमेव जयते

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

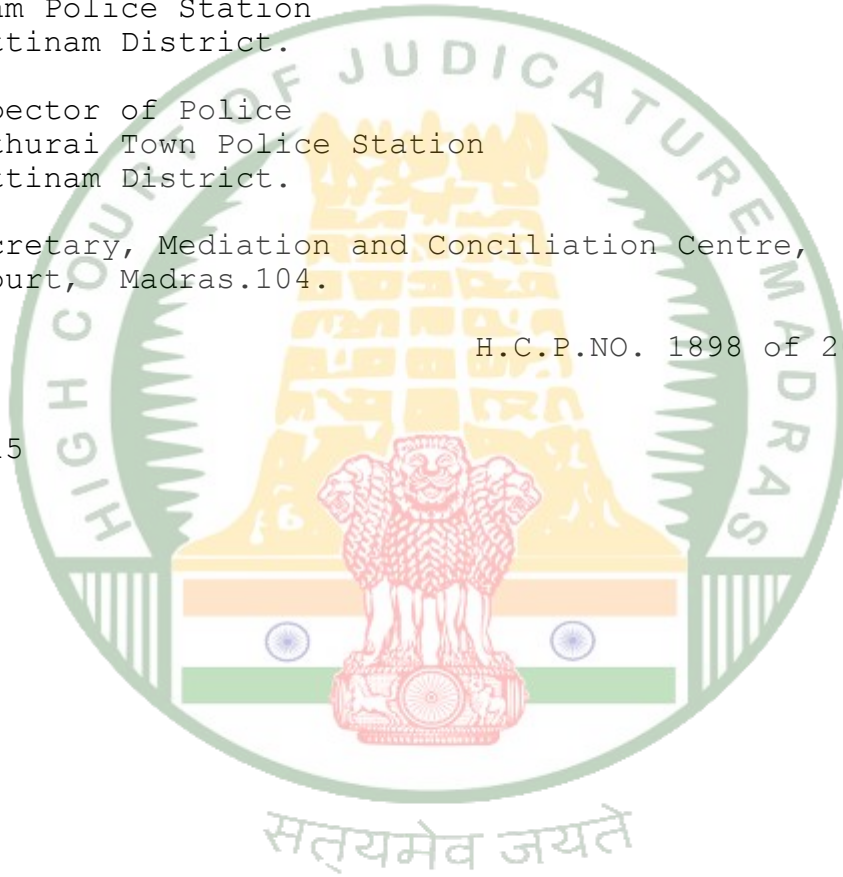
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To

- 1.The Superintendent of Police
Nagapattinam District.
- 2.The Deputy Superintendent of Police
Nagapattinam
Nagapattinam District.
- 3.The Inspector of Police
Kuthalam Police Station
Nagapattinam District.
- 4.The Inspector of Police
Myladuthurai Town Police Station
Nagapattinam District.
5. The Secretary, Mediation and Conciliation Centre,
High Court, Madras.104.

H.C.P.NO. 1898 of 2015

RV(CO)
Eu 28.09.15



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