

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND

THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P.No.674 of 2015

S.Thasneem Fathima

Petitioner

Vs

1.The Commissioner of Police,
Egmore , Chennai-600 008.

2.The Inspector of Police,
Women Police Station,
Kothavalchavadi, Chennai-600 015.

3.The Inspector General of Police (Central Zone),
TVS Tollgate Road,
Jamal Mohammed College,
Trichy-620 020.

4.The Superintendent of Police,
Pudukottai H O,
Pudukottai-622 011.
Tamil Nadu.

5.The District Superintendent of Police,
Pudukottai H O,
Pudukottai-622 011.

6.The Inspector of Police,
Mimisal,
Aranthangi, Pudukottai District,
Tamil Nadu

7.Mr.Liyakath Ali

Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus

directing the respondents 1,2,3,4,5 and 6 to produce the petitioner's minor daughter L.Noorul Shameema aged about 7 years and minor son L.Mohammed Shafiq aged about 6 years from the 7th respondent before this Court and hand over them to the petitioner.

For Petitioner :Mr.S.Haja Mohodeen Gisthi

For Respondents:Mr.A.N.Thambidurai,
Additional Public Prosecutor for R1
to R6

Mr.M.J.Jaseen Mohammed for R7

ORDER

(Order of the Court is made by S.TAMILVANAN,J)

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for respondents 1 to 6 and the learned counsel for the seventh respondent.

2.The petitioner - S.Thasneem Fathima and the seventh respondent - Liyakath Ali are wife and husband and they are present before this Court along with their children.

3.As per the earlier arrangement, the girl child L. Noorul Shameema is with the seventh respondent-Liyakath Ali and the minor son L.Mohammed Shafiq is with the petitioner. After hearing both sides, we are of the view that the earlier arrangement, as per the report of the learned Mediator, shall continue subject to the result of the remedy that would be available for both the parties before appropriate Forum. If there is any modification, it is open to both the parties, to seek appropriate remedy before the said forum. The report filed by the Mediator shall form part of the order, para-8 of the Mediator's report which reads thus:-

"8.Thereafter, I had a talk with the petitioner/wife in which her parents and brother had also participated. At the initial stage, she had insisted for the custody of both the children but after mediation, she had agreed for the following terms to resolve the issue:

- a) The daughter may be left with the husband/7th respondent;
- b) The son may be left with the petitioner/wife;
- c) The petitioner/wife should be permitted to see and be with the daughter every Sunday;

d) The husband /7th respondent had to bring the daughter to Pudukottai to a place where the petitioner/wife would also be present and leave the daughter with them;

e) The petitioner/wife would accept the expenses incurred by the husband/7th husband for bringing the daughter from Memisil to Pudukkotai and back and their stay in a hotel on that day;

f) The petitioner/wife should bear her expenses for travelling from Chennai to Pudukottai;

g) The petitioner/wife had to bring the son from Madras to Pudukottai and the son to be permitted with the father/7th respondent and his sister.

h) The venue of this meeting in Pudukottai would be informed by the brother of the petitioner/wife to the husband/7th respondent."

4.At this juncture, it is submitted by both the learned counsel that the petitioner - S.Thasneem Fathima is residing at Mannady in Chennai and the respondent - Liyagath Ali is residing at Gopalapattinam, Mimisal Post, Pudukottai District and that both the parties are having visitation right.

5.Accordingly, if either of the spouses want to meet either of their children, they can visit so with prior intimation through their respective counsel.

6.With the above observation, this Habeas Corpus Petition is ordered.

Sd/-
Assistant Registrar (CS-VII)

True Copy

Sub Assistant Registrar

To

1.The Commissioner of Police,
Egmore , Chennai-600 008.

WEB COPY

2.The Inspector of Police,
Women Police Station,
Kothavalchavadi, Chennai-600 015.

3.The Inspector General of Police (Central Zone),
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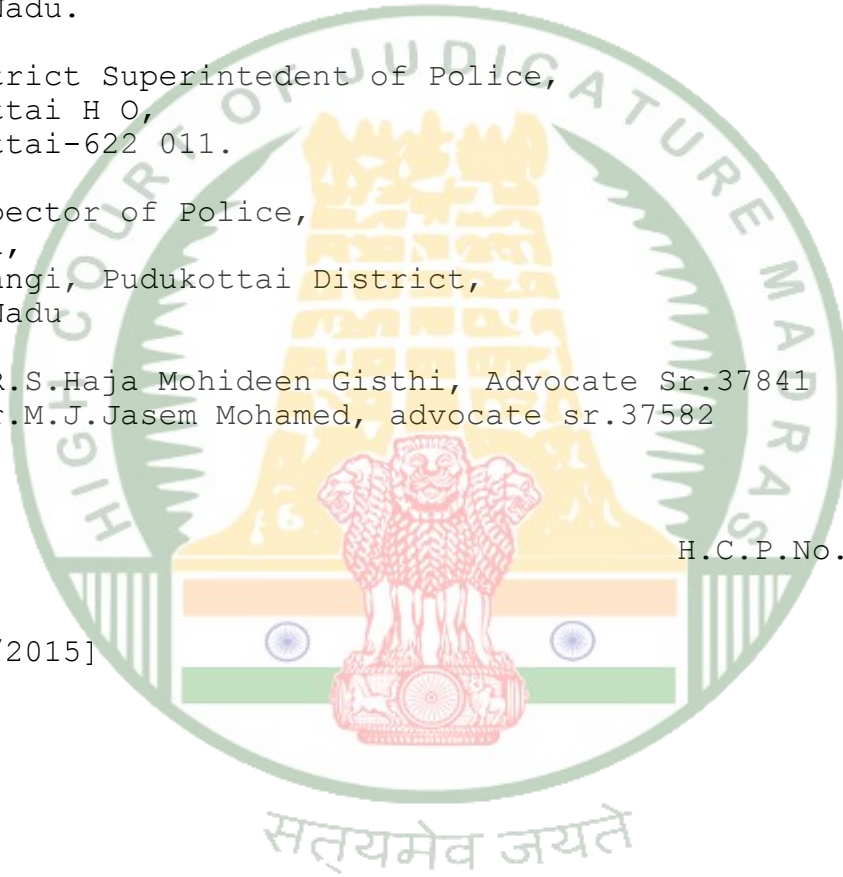
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Mimisal,
Aranthangi, Pudukottai District,
Tamil Nadu

+1cc to MR.S.Haja Mohideen Gisthi, Advocate Sr.37841
+1cc to Mr.M.J.Jasem Mohamed, advocate sr.37582

H.C.P.No.674 of 2015

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