

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.6.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1222 of 2016

Suchitra Petitioner

Vs

1. The Commissioner of Police,
Vepery, Chennai-600 007.

2. The Deputy Commissioner of Police,
T.Nagar, Chennai-600 017.

3. The Inspector of Police,
All Women Police Station,
T.Nagar, Chennai-600 017.

4. Mr. Karthik Balasubramanian Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents to produce the petitioner's minor son Bhuvan Karthik s/o. Karthik Balasubramanian aged 1 year and 4 months before this Court and handover the child's custody to the petitioner.

For Petitioner : Mr.A.Raghunathan
senior counsel
for Mr.J.Saravana Vel
For R1 to R3 : Mr.V.M.R.Rajentren
For R4 : Dr. Ravichander for
Mr.K.Dakshinamurthy

ORDER

(Order of the Court was made by S.NAGAMUTHU J.)

The petitioner is the mother of a male child by name Bhuvan Karthik aged 1 year and 4 months. The fourth respondent is the husband of the petitioner. On the allegation that the fourth

respondent is detaining the child Bhuvan Karthik in his custody illegally, the petitioner has come up with this Habeas Corpus Petition.

2. In this Habeas Corpus Petition, the fourth respondent made personal appearance as well as engaged a counsel. On the earlier occasion, he also produced the child before this Court. We enquired the petitioner and the fourth respondent. They expressed a hope of settlement by means of mediation. Therefore, we referred the matter to the Mediation and Conciliation Centre of this Court. The report was received from the Centre dated 27.6.2016. When we enquired the parties in Court, they expressed reservations about certain clauses in the said settlement. We were also not satisfied with some of the clauses in the said settlement which are opposed to public policy. Therefore, the learned counsel on either side submitted that they would again sit for further negotiation to settle the issue. Accordingly, the parties have filed a compromise memo dated 30.6.2016 signed by the petitioner and the fourth respondent and also by their respective counsel. The parties also made endorsement before this Court that they are not pressing for the terms and conditions in the earlier settlement dated 27.6.2016 and therefore, that settlement dated 27.6.2016 stands cancelled. In the memo of settlement dated 30.6.2016, they have settled the issue in the following terms:

1. The 4th respondent undertakes to setup separate matrimonial home within 90 days from today or by then the 4th respondent shall arrange for taking the petitioner and the child to Malaysia or any other foreign country in the even of the 4th respondent getting foreign employment whichever is earlier. The petitioner will not take up employment of any nature until the minor girl is grown-up enough to go to school.

2. Till the situation as mentioned in Clause 1 above comes about the petitioner will reside in the above address at Velachery and the 4th respondent will drop the minor child Bhuvan at the petitioner's house at Velachery in the morning on Wednesday and the petitioner undertakes to hand over the baby Bhuvan back at the 4th respondents Burkit Road residence in the evening on the same day. On weekends i.e., either on Saturday or Sunday, the 4th respondent will take the petitioner to any public place along with the child. If the

4th respondent is unable to meet up on either one day, the 4th respondent will drop the child at the petitioner's place in the morning either on Saturday or Sunday. The petitioner will drop the child back at the 4th respondents Burkit Road residence in the evening on the same day.

3. The 4th respondent undertakes to withdraw the O.P.No.2336 of 2016 on the file of I Addl. Family Court, Chennai filed against the petitioner under Sec.9 of Hindu Marriage Act in view of the compromise entered herein. Similarly the petitioner undertakes to withdraw the complaint dated 10.06.2016 made to the Inspector of Police, All Women Police Station, T.Nagar, Chennai-600 017 and also withdraws the legal notice dated 07.06.2016 issued to the 4th respondent. The 4th respondent withdraws the reply notice dated 13.06.2016 issued to the petitioner.

The petitioner and 4th respondent agree that the above HCP No.1222 of 2016 may be disposed off in terms of the clauses of this Memorandum of Settlement."

3. The petitioner and the fourth respondent are present, but the child has not been produced because according to the fourth respondent, the child is feeling unwell. The parties also told us that the matter has been settled in terms of the compromise memo dated 30.6.2016.

4. We are satisfied with the same.

5. Recording the above memorandum of settlement, the Habeas Corpus Petition is disposed of with a direction to the parties to abide by the terms and conditions of the said settlement.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

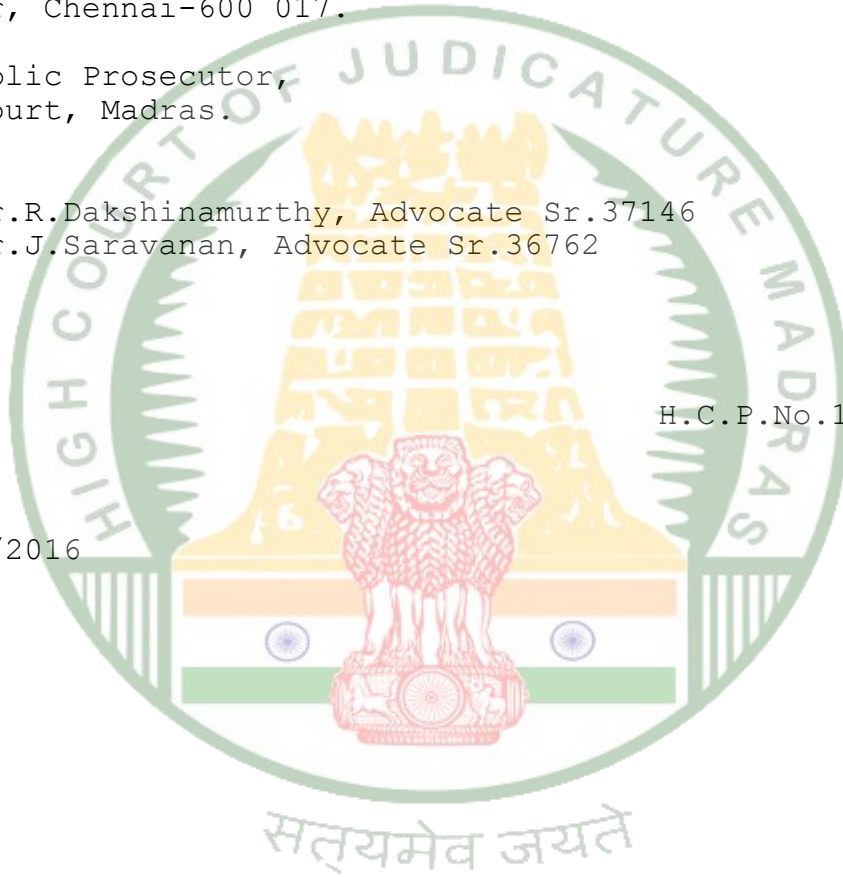
To

1. The Commissioner of Police,
Vepery, Chennai-600 007.
2. The Deputy Commissioner of Police,
T.Nagar, Chennai-600 017.
3. The Inspector of Police,
All Women Police Station,
T.Nagar, Chennai-600 017.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Dakshinamurthy, Advocate Sr.37146
+1cc to Mr.J.Saravanan, Advocate Sr.36762

H.C.P.No.1222 of 2016

ad[col]
srg 25/07/2016



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