

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.151 of 2016

V.Ambika

.. Petitioner

vs.

1. The Superintendent of Police,
Collectorate Compound,
Vandavasi Road,
Kancheepuram Ho,
Kancheepuram-631 501.

2. The Inspector of Police
D6 Police Station,
Maraimalai Nagar,
#1, Sidco Industrial Estate
Periyar Salai,
Maraimalai Nagar,
Chennai-603 209.

3. A.Suresh Kumar

.. Respondents

Habeas Corpus Petition has been filed for a Writ of Habeas Corpus directing the respondents to produce the body of the petitioner's minor son, by name, Aatish, aged about 1 year and 4 months, before this Court and to direct the respondents to handover the minor son to the petitioner.

For petitioner :Mr.A.Ganapatheeswaran

For respondents

:Mr.V.M.R.Rajentran,

Addl. Public Prosecutor (Crl.Side)
for R.1 and R.2

O R D E R

(Order of the Court was made by M.JAICHANDREN,J)

This Habeas Corpus Petition has been filed praying that this Court may be pleased to direct the respondents to produce the body of the petitioner's minor son, by name, Aatish, aged about 1 year and 4 months, before this Court and to handover the minor son to the petitioner.

2. The petitioner has stated that she had married the 3rd respondent and a male child, by name, Aatish, had been born to them, on 01.10.2014. Thereafter, certain differences had arisen between them. Hence, a petition had been filed before the Family Court, Chengalpattu, in F.C.O.P.No.309 of 2015, for the dissolution of the marriage, by mutual consent. While so, the 3rd respondent had taken the child from the petitioner, illegally, and has been keeping him in illegal custody. In such circumstances, the present Habeas Corpus Petition has been filed by the petitioner, before this Court.

3. When the matter had been listed before this Court, on 01.02.2016, this Court had referred the matter to the Tamil Nadu Mediation and Conciliation Centre, High Court Madras, for arriving at an amicable settlement.

4. When the matter had been listed for hearing, today, (03.02.2016), the petitioner, 3rd respondent and the minor child, by name, Aatish, were present before us. The Mediation Report, dated 02.02.2016, has also been placed before this Court. The said report reads as follows:-

"Both parties present, Counsel for the petitioner is present. Discussed in detail, private session also held. Both of them informed that a petition under section 13B is filed before the Family Court at Chengalpet. Both the parties are not willing for reunion.

Both parties agreed to settle the matter on the following terms:

1. The 3rd respondent/husband has agreed to handover the minor child Aatish to the petitioner/wife. In the aspect of visiting rights of the father, the terms are:
 - a. Every Sunday by 5.00 p.m., the minor child Aatish will be given to the husband/3rd respondent by the petitioner/wife at Singaperumal Kovil Temple at Singaperumal Kovil and on the same day at 6.00 p.m., the child should be handed over to his mother/petitioner till that time, sole responsibility of taking care of the minor child Aatish is with the husband/3rd respondent.
 - b. When the petitioner/wife is not in a position to hand over the child by herself, the parents of the wife/petitioner shall handover the child

to the husband/3rd respondent in the same time and on the same place.

In the above conditions, the matter is settled and send back to the Hon'ble Court."

5. In view of the report filed by the Tamil Nadu Mediation and Conciliation Centre, dated 02.02.2016, we find that no further orders are necessary in this petition, at this stage. Hence, the Habeas Corpus Petition is closed. However, we make it clear that it would be open to the parties concerned to agitate their rights, if any, before the appropriate forum, in the manner known to law.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Collectorate Compound,
Vandavasi Road, Kancheepuram Ho,
Kancheepuram-631 501.

2. The Inspector of Police
D6 Police Station,
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#1, Sidco Industrial Estate
Periyar Salai, Maraimalai Nagar,
Chennai-603 209.

Copy to:

The Assistant Registrar,
Tamilnadu Mediation and Conciliation centre,
High Court, Madras.

+2 ccs to Mr.A.Ganapatheeswaran, Advocate, sr.7394

ug co
kra 18.02.2016

H.C.P.No.151 of 2016