

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2016

Coram:

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

H.C.P.No.290 of 2016

H.Anjala

.. Petitioner

vs.

1. The Superintendent of Police,
Vellore.

2. Inspector of Police,
Sathuvacheri Police Station,
Vellore.

3. P.Hari Krishnan

.. Respondents

Petition filed for issuance of the writ of Habeas Corpus directing the 2nd respondent herein to secure the body of the detainee by name Minor H.Vishnu Priya and H.Yadava Priya, aged 9 years, from the illegal custody of the 3rd respondent and produce them before this Court for the entrustment of the lawful custody to her mother/petitioner herein.

For petitioner : Mr.K.P.Suresh Kumar

For Respondents : Mr.V.M.R.Rajentran,
1 and 2 Addl. Public Prosecutor (Crl.side)

O R D E R

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

This Habeas Corpus Petition has been filed by the petitioner, the mother of the detainees, to direct the 2nd respondent to secure and to produce her minor daughters, namely, H.Vishnu Priya and H.Yadhav Priya, who are twins, aged about 9 years, from the illegal custody of the 3rd respondent, before this Court and to entrust the lawful custody of the said children, with the petitioner.

2. The petitioner had stated that she had married the 3rd respondent during the year, 2004. Out of the wedlock, the detainees, namely, H.Vishnu Priya and H.Yadahav Priya, were born.

While so, due to certain matrimonial disputes, the 3rd respondent had gone away, along with the two minor children. In the circumstances, the petitioner had lodged a complaint before the 2nd respondent, on 12.01.2016 and C.S.R.No.14 of 2016 had been given to the said complaint. Thereafter, as no further steps have been taken by the 2nd respondent police, the petitioner had preferred the present Habeas Corpus Petition, before this Court.

3. It is noted that, when the matter had been listed before this Court, on 25.02.2016, it had been directed to be placed before the Mediation and Conciliation Centre, attached to the High Court of Madras, to arrive at an amicable settlement between the parties. However, a report, dated 25.02.2016, had been filed by the Tamil Nadu Mediation and Conciliation Centre, before this Court. The said report reads as follows:

"The petitioner and his counsel are present. The 3rd respondent and the twin girls, Yadhava Priya and Vishnu Priya are present. The two girls had talked to their mother for sometime in the absence of the father. The children have expressed that they will be happy to live together if the father agrees. The 3rd respondent father has submitted that he will pursue legal remedies and that there is no scope for settlement. Hence the matter is sent back to the Hon'ble Court."

4. At this stage of the hearing of the Habeas Corpus Petition, the learned Counsel, appearing on behalf of the petitioner had submitted that, the petitioner may be advised to move the appropriate forum, seeking the custody of the detenues, from the 3rd respondent.

5. In view of the said submission made by the learned Counsel for the petitioner, the present Habeas Corpus Petition stands closed, making it clear that it would be open to the petitioner to approach the appropriate forum, seeking the custody of the children, in the manner known to law.

6. With the above observation, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

tsi

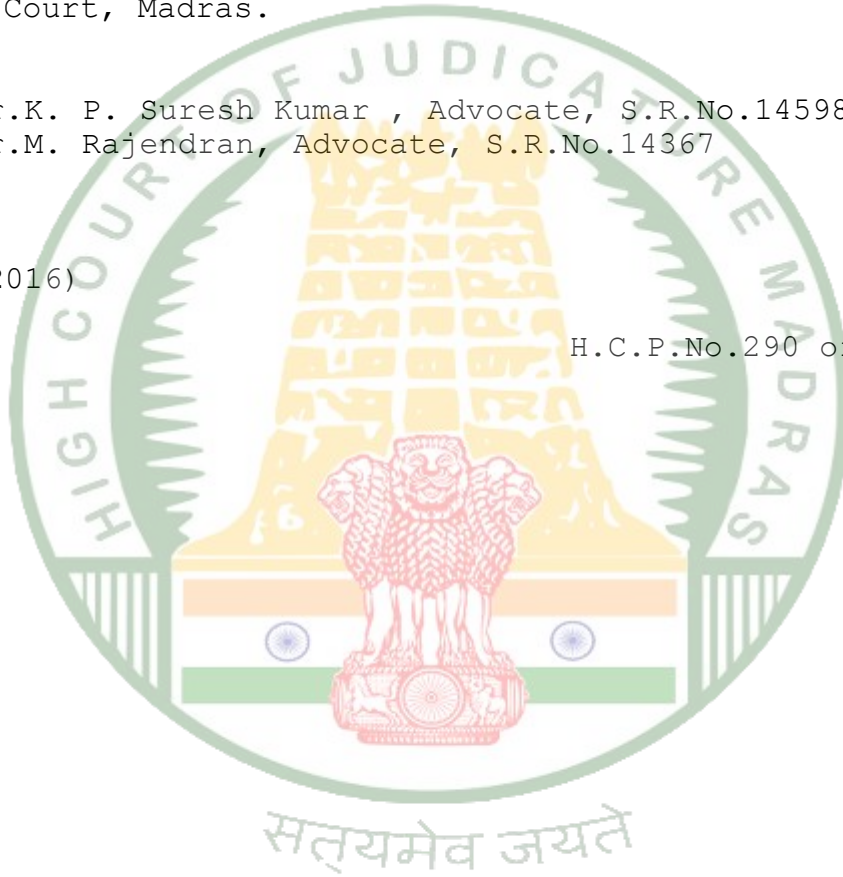
To:

1. The Superintendent of Police,
Vellore.
2. Inspector of Police,
Sathuvacheri Police Station,
Vellore.
3. The Additional Public Prosecutor,
High Court, Madras.

+1cc to Mr.K. P. Suresh Kumar , Advocate, S.R.No.14598
+1cc to Mr.M. Rajendran, Advocate, S.R.No.14367

KJI (CO)
EU(12/04/2016)

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