

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

Coram :

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.43 of 2016

Shobana Gandhi

... Petitioner

Vs.

1. The State rep. by
Director General of Police
Director General of Police Office
Chennai.
2. Superintendent of Police
Vellore District.
3. Inspector of Police
Kadpadi Police Station
Kadpadi,
Vellore District.

.... Respondents

Habeas Corpus Petition has been filed for a Writ of Habeas Corpus directing the 3rd respondent to produce the body of the petitioner's husband and son, viz., Shanmuga Rajan, S/o.Babu Raj, aged about 39 years and Adithya, S/o.Shanmuga Rajan, aged about 8 years, the deteneue's herein before this Court and set them at liberty.

For petitioner : Mr.Dhayanantham

For respondents : Mr.V.M.R.Rajentran,
Additional Public Prosecutor

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 husband and son, namely, Shanmuga

Rajan, S/o.Babu Raj, aged about 39 years and Adithya, S/o.Shanmuga Rajan, aged about 8 years, before this Court, and set them at liberty.

2. The petitioner has stated that her husband, namely, Shanmuga Rajan and her son Adithya, have been missing, since, 23.12.2015. Therefore, the petitioner had lodged a complaint before the 3rd respondent police, on 25.12.2015. As, no effective steps have been taken by the 3rd respondent police to trace the detenu, the present Habeas Corpus Petition has been filed by the petitioner, before this Court.

3. At the time of the hearing of the Habeas Corpus Petition, on 03.02.2016, this Court had found that the husband of the petitioner, namely, Shanmuga Rajan, had left the matrimonial home, along with his minor son, namely, Adithya, due to certain family disputes. Hence, this Court was of the view that it would be an appropriate case for being referred to the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, for arriving at an amicable settlement.

4. Today, (22.02.2016), when the matter had been listed for further hearing, the petitioner, her husband Shanmuga Rajan and the minor child, by name, Adithya, were present before us. The Mediation Report, dated 15.02.2016, has also been placed before this Court. The said report reads as follows:-

"The petitioner and the accused appeared for mediation on 03.02.2016 and after detailed discussion agreed to consider the interest of the two children and come for further discussion on 15.02.2016. Today, the petitioner and her counsel alone appeared. The petitioner stated that the accused brought the minor son Adithya to Natham, where the petitioner is residing with her mother and asked her to get the child back in school to continue his education. The accused has also stated that he will not interfere with the petitioner's custody of the minor son. There was no representation from the accused or anyone else on his behalf.

As the matter has been settled, according to the petitioner, it is referred back to Court."

5. Today, on being enquired, the petitioner and her husband Shanmuga Rajan, had submitted that the dispute between them had been settled, amicably. The said statement is recorded.

6. In view of the report filed by the Tamil Nadu Mediation and Conciliation Centre, dated 15.02.2016, we find that no further orders are necessary in this petition. Hence, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

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To

1. The Director General of Police
Director General of Police Office
Chennai.
2. The Superintendent of Police
Vellore District.
3. The Inspector of Police
Kadpadi Police Station
Kadpadi
Vellore District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Jawahar, Advocate, S.R.No.12000

सत्यमेव जयते

H.C.P.No.43 of 2016

VSN(CO)
CA(18/03/2016)

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