

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17..03..2016

CORAM

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

H.C.P.No.476 of 2016

Mohammed Sathurutheen

... Petitioner

-Versus-

1.The Inspector of Police,
S-6, Sankar Nagar Police Station,
Pammal, Chennai.

2.Mr.Sathishkumar

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents to secure the petitioner's daughter, the detainee RILVANATHUL FARHANA, aged about 22 years, now detained under the custody of the 2nd respondent or some one and produce her before this Court and set her at liberty.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondents: Mr.V.M.R.Rajendren,
Addl. Public Prosecutor for R1

For Detenue : Mr.S.Balakrishnan

O R D E R

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

The father of the detainee has come up with this Habeas Corpus Petition alleging that his daughter Rilvanathul Farhana, aged about 22 years, has been illegally taken and detained by the 2nd respondent.

2. Today, when the matter was taken up in the morning session, the 1st respondent produced the detainee Mrs.Rilvanathul Farhana. She is represented by a counsel. The petitioner and

his wife also made appearance before this court. The 2nd respondent made appearance along with his mother. The detinue told this court that on her own volition she has married the 2nd respondent and she has been living with him as his wife. She further expressed her view that she is willing to go and live only with the 2nd respondent, according to her own wish. She further told that she has apprehension that the petitioner and the other family members may disturb her peaceful living with the 2nd respondent. The mother of the 2nd respondent by name Mrs.Sumathi who made appearance also told the same thing. She stated that she has accepted the marriage between the 2nd respondent and the detinue and she has also taken the detinue into her family-fold as her daughter-in-law. But, the petitioner and his wife insisted that the detinue should return to their family-fold and they were not in a mood to accept the marriage between the 2nd respondent and the detinue.

3. Since the dispute pertains to the marriage, the learned counsel on either side submitted that the matter may be referred for mediation. Accordingly, we referred the matter for mediation and we directed the parties to appear before the Tamil Nadu Mediation and Conciliation Centre attached to this court. We further directed the said Centre to submit a report today itself, by 03.00 p.m.

4. When the matter was taken up at 03.00 p.m. it was informed to this court by the counsel that the mediation was still in progress. The matter was, therefore, passed over. When it was taken up by 04.15 p.m., all the parties made appearance. The Tamil Nadu Mediation and Conciliation Centre has also submitted a report [vide Medication Case No.210/2016 Dated 17.03.2016]. In the report, it has been stated as follows:-

"Both parties present, Counsel for the petitioner is present. Discussed in detail, private sessions also held. Both parties agreed to settle the matter on the following terms:

(1) The 2nd respondent, by name, Sathishkumar has agreed to follow Muslim Religion from the date of marriage.

(2) The 2nd respondent has agreed for safety and protection to detinue.

(3) The detinue/Rivanathul Farhana and the 2nd respondent has agreed that if any difference in opinion comes permit the bride to go back to mother home for her relief.

(4) The 2nd respondent has agreed that he will not make any claim in the bride's family property.

(5) The 2nd respondent has agreed that he should respect the relation of the detinue's

family.

(6) The petitioner will give the Original School Certificates to the detainee.

5. When we inquired the parties namely, the detainee, the 2nd respondent, his mother Mrs.Sumathi, the petitioner and his wife - Mrs.Noorjuahan Begum told the court that the dispute has been amicably settled by means of mediation and as per the terms and conditions mentioned in report and, therefore, recording the mediation report, the Habeas Corpus Petition may be closed as the parties would abide by the terms and conditions mentioned in the mediation report. The same is recorded.

6. In view of the above, the Habeas Corpus Petition is closed recording the mediation report leaving it open for the detainee to go according to her own wish. We do appreciate the mediator Mr.C.Kanagaraj, who has done a tremendous service in this matter to bring about a compromise between the parties within such a short span of time.

-s/d-
Assistant Registrar

True copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
S-6, Sankar Nagar Police Station,
Pammal, Chennai.

2.The Public Prosecutor High Court Madras

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