

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2017

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.2631 of 2016

V.Sree Vidya .. Petitioner

Vs

- 1.The State,
rep by Inspector of Police,
All Women Police Station,
Thudiyallur,
Coimbatore.
- 2.The Commissioner of Police,
College Road,
Coimbatore.
- 3.R.Senthil Kumar .. 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 daughter, S.Smriitha, aged 7 years, before this court and to hand over her to the petitioner.

For Petitioner : Mr.R.Sivakumar

For Respondents: Mr.V.M.R.Rajentren, APP for RR1 and 2
Mr.V.Balamurugane for R-3

ORDER

[Order of the Court was made by M.JAICHANDREN, J.]

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2 and the learned counsel appearing on behalf of the third respondent.

2 This Habeas Corpus Petition has been filed by the petitioner, seeking direction to the respondents to produce her minor daughter, S.Smriitha, aged about 7 years, before this Court and to hand over the daughter to her.

3 At this stage of the hearing of the Habeas Corpus Petition, the learned counsels appearing on behalf of the parties concerned had submitted that an amicable settlement had been arrived at between the parties concerned, before the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras. A copy of the Mediation Agreement, dated 7.2.2017, had been filed before this Court. The said Mediation Agreement reads as follows :

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows :

1.The Petitioner and 3rd Respondent agree for dissolution of their marriage by mutual consent and have agreed to file a petition by 22.02.2017 before the Family Court, Coimbatore.

2.The Petitioner agrees that the minor child S.Samritha will remain in the custody of the 3rd respondent/father for the present as the child has to get over her reluctance now to leave the father.

3.The 3rd Respondent agrees that he will facilitate visitation of the minor child by the petitioner, by taking the child to either a common place or any special class she attends for a period of two weeks and later encourage the child to stay with the petitioner during the week end.

4.Both parties agree that they will cooperate to ensure safety and welfare of the child and will exchange all information about the child and her classes, all contact numbers.

5.Both parties agree that depending on the child's acceptance and wishes they will decide on the custody of the child at the time of conclusion of the petitions for divorce by mutual consent.

6.Both parties agrees to withdraw all petitions and applications filed by them against each other."

4 In view of the settlement arrived at between the parties concerned, this Court is of the view that no further orders are necessary in the present Habeas Corpus Petition. Hence, the Habeas Corpus Petition stands closed, recording the above mediation agreement.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,
All Women Police Station,
Thudiyallur,
Coimbatore.

2.The Commissioner of Police,
College Road,
Coimbatore.

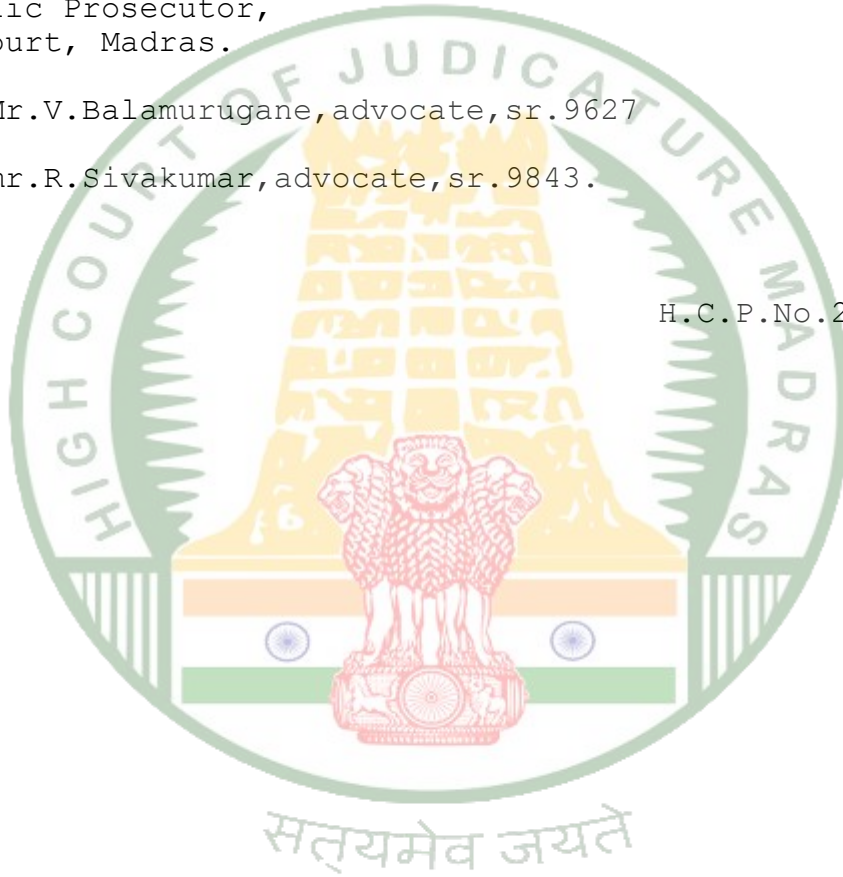
3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.Balamurugane, advocate, sr.9627

+1 cc to mr.R.Sivakumar, advocate, sr.9843.

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krd 27/2

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