



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

H.C.P. (MD) No.1389 of 2017

Muthu Mari : Petitioner

Vs.

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2. The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar District.

3. The Sub-Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.

4.Malaisamy

5.Varadaraj : Respondents

(R5 impleaded as per order dated 25.10.2017
in Crl.M.P. (MD) .No.9576/2017 in H.C.P. (MD) .No.1389/2017)

PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, directing the respondents 1 to 3 herein to produce the body or person of the detenu namely, child Lavanya, D/o.Varadharaj, aged about 6 years, before this Court and set her at liberty from the illegal custody.

For Petitioner	: Mr.G.Marimuthu
For R1 to R3	: Mr.C.Mayilvagana Rajendran Additional Public Prosecutor
For R4	: Mr.R.Suresh
For R5	: No appearance

ORDER

[Order of the Court was made by **R.SUBBIAH, J**]

The present Habeas Corpus Petition has been filed by the mother of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body or person of the detenu namely, child Lavanya, D/o.Varadharaj, aged about 6 years, before

this Court and set her at liberty from the illegal custody.

2. When the matter was taken up for consideration on 25.10.2017, after going through the papers finding that the dispute is only with regard to the custody of the child, we have referred the matter to the Mediation and Conciliation Centre. Since the Mediation failed, the case has been listed today.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the learned counsel for the petitioner reported that there is no settlement arrived at between the parties before the Mediation Centre.

4. In view of the above, since the dispute is only with regard to the custody of the child and the Mediation also could not succeed, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, we left with no other option except to close this Habeas Corpus Petition.

5. In the result, the Habeas Corpus Petition is closed. However liberty is given to the petitioner to workout her remedy before the appropriate forum.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar District.
3. The Sub-Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO M/S.G.M.Law Office , Advocate in SR No. 87803

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AE/SKN RSK/SAR3/04.12.2017/2P/6C

Order made in
H.C.P. (MD) No.1389 of 2017
Dated: 16.11.2017