



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2017

CORAM:

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

H.C.P.[MD].No.1555 of 2017

T.Neethu

.. Petitioner

Vs.

1. State rep. by the
Superintendent of Police,
Palayamkottai,
Tirunelveli District.

2. The Inspector of Police,
Tirunelveli Taluk Police Station,
Palayamkottai,
Tirunelveli District.

.. Respondents

PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents 1 and 2 to secure the petitioner's child Daymian aged about 2-1/2 years and produce the detenu's body or person before this Court and set at liberty.

For Petitioner : Mr.K.A.Raamakrishnan

For respondents 1 & 2 : Mr.A.Ramar,
Addl. Public Prosecutor

For petitioner's husband : Mr.D.Srinivasa Ragahavan

ORDER

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

The petitioner is the mother of the detenu, aged about 2-1/2 years. It is stated in the petition that due to misunderstanding between the petitioner and her husband by name Praveen, the petitioner was driven out of the matrimonial home, but her son viz., detenu was in the custody of her husband. On 04.10.2017 when the petitioner went to see her son viz., detenu, the detenu was not available in her matrimonial home and the petitioner's husband and his family members were also not given any proper reply with regard to whereabouts of the detenu. Hence, the petitioner has lodged a complaint before the second respondent on 04.10.2017 regarding missing of the child. As there was no response to the same, the

petitioner has come up with this petition.

2. When the matter came up for hearing on 03.11.2017, the petitioner was present and the husband of the petitioner viz., Praveen was also present before this Court along with the detenu - Daymian, aged about 2-1/2 years. The father of the detenu viz., Praveen expressed some difficulties in sending the detenu along with his mother viz., petitioner. Considering the fact that the dispute between the parties is with regard to the custody of the child, this Court referred the matter to the Mediation Centre attached to this Bench for amicable settlement and directed to list the matter today i.e, on 08.11.2017.

3. Today, when the matter was taken up for hearing, it is represented by Mr.D.Srinivasa Raghavan, learned counsel for the husband of the petitioner that during the pendency of the matter before the Mediation Centre, again the petitioner lodged a complaint before the second respondent Police and therefore, the mediation could not succeed.

4. Admittedly, the detenu / child is in the custody of his father. The said custody cannot be stated to be an illegal custody. Hence, this Habeas Corpus Petition is closed. It is open to the petitioner to work out her remedy by filing GWOP before the appropriate forum.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Palayamkottai,
Tirunelveli District.
2. The Inspector of Police,
Tirunelveli Taluk Police Station,
Palayamkottai,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.D.SRINIVASA RAGHAVAN, ADVOCATE IN SR No. 86178

GCG

TE/KK/SAR-3 : 27/12/2017 : 2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

Order made in
H.C.P.[MD].No.1555 of 2017
Dated: 08.11.2017