



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2017

CORAM:

WEB COPY

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

H.C.P. (MD) No. 1710 of 2017

Umapandi : Petitioner

Vs.

1. The State Rep. by,
The Commissioner of Police,
Madurai City, Madurai District.

2. The State Rep. by,
The Inspector of Police,
Jaihindpuram Police Station,
Madurai District.

3. Thanghapandi

4. Pandiammal : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondent herein to produce the body of the detenu minor children Rajeshwaran, S/o.Umapandi aged about 12 years and Annalakshmi, D/o.Umapandi, aged about 11 years, before this Court and set him at liberty forthwith.

For Petitioner	: Mr.K.Gokul
For R1 and R2	: Mr.C.Ramesh Additional Public Prosecutor
For R3 and R4	: Mr.S.Muniandi

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 to direct the respondents 1 and 2 to produce the body of the detenu, namely minor children Rajeshwaran, S/o.Umapandi aged about 12 years and Annalakshmi, D/o.Umapandi, aged about 11 years, before this Court and set them at liberty forthwith.

2. In the affidavit, it has been averred that the children are in the legal custody of the respondents 3 and 4, who are none other

than the hunsband and mother-in-law of the petitioner.

3. When the matter was taken up for consideration on 27.11.2017, after going through the papers finding that the dispute is only with regard to the custody of the children, we have referred the matter to the Mediation and Conciliation Centre. Since the Mediation failed, the case has been listed today.

4. 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.

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

6. In the result, the Habeas Corpus Petition is closed. However liberty is given to the petitioner to work his remedy before the appropriate forum.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The The Commissioner of Police,
Madurai City, Madurai District.
2. The Inspector of Police,
Jaihindpuram Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.GOKUL, ADVOCATE IN SR No. 91487

IA/NS

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

Order made in
H.C.P. (MD) No.1710 of 2017
Dated: 05.12.2017