



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.03.2017
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.(MD) No.215 of 2017

Murugesan

... Petitioner

-vs-

1. The State by the
Superintendent of Police
Dindigul District
Dindigul

2. The State by the
Sub-Inspector of Police
Vadamadurai Police Station
Dindigul District

3. Chinnakalai

4. Parimala

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the bodies or persons of the petitioner's children, namely, "Logitha, D/o.A.Murugesan" aged about 7 years and "Mogitha, D/o.A.Murugesan, aged about 2 years before this Court and hand over them custody to the petitioner.

For Petitioner :Mr.S.Balakarthick

For Respondents :Mr.T.Mohan

Addl. Public Prosecutor for R1 & R2
Mr.A.Arul Jenefer for R3 & R4

O R D E R

[Order of the Court by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Balakarthick, learned counsel appearing for the petitioner, Mr.T.Mohan, learned Additional Public Prosecutor appearing for the respondents 1 and 2 and Mr.A.Arul Jenefer, learned counsel appearing for the respondents 3 and 4.

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

2. The petitioner has filed this habeas corpus petition to



direct the respondent Police to trace his children, namely, Logitha, aged about 7 years and Mogitha, aged about 2 years, produce them before this Court and set them at liberty.

3. The learned counsel for the petitioner submitted that the petitioner's wife and the mother of the minor children died due to complications while delivering the second baby on 22.10.2014. Admittedly, the children are under the care and custody of the respondents 3 and 4, who are their maternal grandparents. The elder daughter, namely, Logitha, who is aged about 7 years, is studying first standard in Dindigul and the younger daughter, namely, Mogitha is aged about 2 years. Thus, we are of the firm view there is no illegal detention.

4. The learned counsel for the petitioner further submitted that the younger daughter, namely, Mogitha is not able to identify the petitioner / father. Apart from that, the respondents 3 and 4 have filed G.W.O.P.No.19 of 2017, on the file of the District Court, Dindigul, to declare them as guardians of the minor children.

5. The learned counsel for the petitioner further submitted that the matter may be referred to the Tamil Nadu Mediation and Conciliation Centre, attached to this Bench for amicable settlement and the children may be directed to be produced before the Mediation Centre.

6. While we are inclined to refer the matter for mediation, we deem it appropriate that it should be done in the District Court, where the guardians and wards original petition is pending, considering the fact that the minor children are under the care and custody of their grant parents.

7. Thus, while disposing of this petition, liberty is granted to the petitioner to appear before the learned District Judge, Dindigul, on 22.03.2017, when G.W.O.P.No.19 of 2017 is to be heard. The learned District Judge, Dindigul, is directed to consider the submissions of either side and refer the matter for mediation so as to enable the parties to explore the possibilities of amicable settlement, considering the fact that the children are of very tender age.

8. The habeas corpus petition is disposed of with the above directions.

Sd/-

Assitant Registrar(C)

/True copy/



To:

1. THE PRINCIPAL DISTRICT JUDGE, DINDIGUL.
2. THE SUPERINTENDENT OF POLICE,
DINDIGUL DISTRICT, DINDIGUL.
3. THE SUB-INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1cc to M/s.A.ARUL JENIFER, Advocate, in SR No. 15033

KRK

AAM-CM MSA/SAR 3/21.03.2017 3P 6c

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