



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE **R. SUBBIAH**

AND

THE HONOURABLE MRS. JUSTICE **J. NISHA BANU****H.C.P. [MD] .No.1738 of 2016**

B.Nirmala

: Petitioner

Vs.

1. The Superintendent of Police,
District Police Office, Ramanathapuram District.

2. The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

3. Balamurugan

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detenu, petitioner's sons, namely, Vishva aged 3 years and six months before this Court and hand over her to the petitioner, who is now detained by the third respondent.

For Petitioner : Mr. R. Jegadeeswaran

For Respondents 1&2 : Mr. K. S. Duraipandian
Additional Public Prosecutor

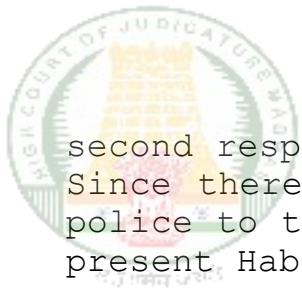
For Respondent No.3 : Mr. J. M. Hassanul Bazari

O R D E R

[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 and 2 to produce the person or body of the detenu, petitioner's sons, namely, Vishva aged 3 years and six months before this Court and hand over his custody to the petitioner, who is now detained by the third respondent.

2. According to the petitioner, the marriage between the petitioner and her husband was solemnized on 30.04.2010 and due to the wedlock, she blessed with two children. Thereafter, there was some dispute between the petitioner and her husband and on account of the same, the husband of the petitioner forcibly took his son - Vishva aged 3 years and six months, from the school. The petitioner, in this regard, made a complaint on 19.12.2016 before the second respondent police. On receipt of the said complaint, the



second respondent police registered a case in Crime No.602 of 2016. Since there were no effective steps taken by the second respondent police to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

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3. On an earlier occasion, when the Habeas Corpus Petition was taken up for consideration, on the basis of joint request made by the parties, the matter was placed before the Mediation and Conciliation Centre, attached to this Bench, for arriving at an amicable settlement between the parties.

4. Today, when the Habeas Corpus Petition is taken up for consideration, it is reported by the learned counsel for the petitioner as well as the learned counsel for the third respondent that the mediation could not succeed.

5. In view of the above, the Habeas Corpus Petition is closed and the parties are at liberty to work out their remedy before the appropriate forum.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
District Police Office, Ramanathapuram District.
- 2.The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

nb

sva/sv/mms/16.03.2017/2p/4c

**ORDER MADE IN
H.C.P. [MD] .No.1738 of 2016**

27.02.2017