

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. No.1874 of 2017

B.SreeLakshmi

... Petitioner

-Vs-

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai-600 007.

2.The Inspector of Police,
K8 Arumbakkam Police Station,
Water Tank Road, MMDA Colony,
Arumbakkam, Chennai-600 106.

3.Mrs.Vijaya Unni
4.Mr.Unni Krishnan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 & 2 to conduct investigation and enquire the respondents 3 & 4 and others and to secure the petitioner's son namely B.V.R.Krishna aged about 49 years from the illegal custody of the respondents 3 & 4 and produce him before this Hon'ble Court and set him at liberty.

For Petitioner :Mr.V.Z.Victor

For Respondents:Mr.R.Prathap Kumar
Additional Public Prosecutor (RR1 & 2)
Mr.Sridhar (RR3 & 4)

ORDER

[Order of the Court by N.SATHISH KUMAR, J.]

The petitioner, who is the mother of the detenu, namely, B.V.R.Krishna, aged 49 years, seeks production of her son.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for respondents 1 and 2 as also learned counsel for the respondents 3 and 4.

3. On 20.11.2017, this Court passed the following order:-

"1. The petitioner and the third respondent are before this Court. The detenu/Mr.B.V.R. Krishna is the son of the petitioner. The elder daughter of the petitioner is also present in Court.

2. We have interacted with the petitioner, elder daughter of the petitioner and the detenu/B.V.R. Krishna. We have also interacted with the third respondent.

3. The petitioner, elder daughter of the petitioner and the detenu/B.V.R. Krishna say that their inter se dispute, if any, can perhaps be resolved, if the matter is referred to Mediation.

4. Resultantly, Mr. Sriram Panchu, is appointed as a Mediator in the matter. The petitioner, her elder daughter, younger daughter and other members of the family and the detenu/B.V.R. Krishna will present themselves before the learned Mediator on 04.12.2017, at 3.00 p.m. In case, the said date is not convenient to the learned Mediator, he would fix another date, which would be proximate to the date indicated above. The learned Mediator will be at liberty to fix the venue.

5. The learned Mediator will file his report with the Court before the next date of hearing. For the moment, the presence of the respondents 3 and 4 is dispensed with.

6. The petitioner, elder daughter of the petitioner, and the detenu/B.V.R. Krishna will remain present in Court on the next date of hearing.

7. Re-notify the matter on 22.12.2017."

4. On 22.12.2017, this Court passed the following order:-

"1. We have not received a report of the learned Mediator.

1.1. We are told by the learned counsel for the petitioner that mediation proceedings are still on and that a date has been fixed on that behalf, by the learned Mediator, on 09.01.2018.

1.2. The learned Mediator shall file his report before the next date of hearing.

2. Accordingly, re-notify the matter on 08.02.2018."

5. Today, we have perused the Mediation Report, the Mediation has failed.

6. In view of the same, we are of the view that since the

alleged detenu is a major and is away from family members due to family dispute, there is no illegal detention. This Habeas Corpus Petition shall stand closed. It is for the Parties to work out their remedies in accordance with law.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To:

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai-600 007.
 - 2.The Inspector of Police,
K8 Arumbakkam Police Station,
Water Tank Road, MMDA Colony,
Arumbakkam, Chennai-600 106.
 - 3.The Public Prosecutor
High Court, Madras.
- +1cc to Mr.V.Z.Victor, Advocate SR.No.23915

GJ(CO)
GN(25/04/2018)

H.C.P.No.1874 of 2017

सत्यमेव जयते

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