

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.05.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
&
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.No.1927 of 2017

A.Hemalatha ... Petitioner

Vs.

1.The State,
Rep. by the Superintendent of Police,
Kanchipuram District.

2.The Inspector of Police,
All Women Police Station,
Chengalpattu, Kanchipuram.

3.John Vedanayagam ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondent to trace out the petitioner's daughter namely Tejaswini who is 3½ years old resident of No.27, Iyanchery Main Road, Urupakkam, Chennai - 603 210, produce her before this Hon'ble Court to enable her to join the petitioner.

For Petitioner : M/S.T.K.S.Gandhi

For Respondents: Mr.R.Ravichandran,
Government Advocate [R1 and R2]

Mr.Rajendran Raghavan [R3]

O R D E R

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The relief sought for in this Habeas Corpus Petition is for a direction to direct the 1st and 2nd respondents to trace out the petitioner's daughter namely Tejaswini who is aged about 3½ years and resident of No.27, Iyanchery Main Road, Urupakkam, Chennai - 603 210 and produce the baby before this Court, to enable the petitioner to join with the baby.

2. The learned counsel for the petitioner as well as the learned counsel appearing on behalf of the 3rd respondent admitted the fact that the said child Tejaswini aged about 3½ years had already been produced before this Court during earlier occasion and now the child is in the custody of the father who is the 3rd respondent in the present Habeas Corpus Petition. The learned counsel for the petitioner further contended that the compromise talks are going on between the petitioner and the 3rd respondent, this apart the petition for custody of the said child is also pending before the Court at Chengalpattu.

3. The petitioner and the 3rd respondent are having certain family disputes. Under these circumstances, it is left open to the Writ Petitioner as well as the 3rd respondent to move for an amicable solution to lead a happy matrimonial life. We are of the considered opinion that at least in the interest of two minor children born from and out of the wedlock between the petitioner and the 3rd respondent, the petitioner and the 3rd respondent should workout for an amicable settlement of all such family disputes. After all, it is one life for a human, if they fight with each other throughout the life, we are unable to understand what they are going to achieve at the end. If at all our statement is little spiritual, in a family dispute of this nature it is the duty of the Court to see at least such parties are moving forward for possible settlement. The two children born out of the wedlock between the petitioner and the 3rd respondent are too young and they have got a long way to settle their lives. Thus the respective counsel appearing on behalf of the petitioner as well as the 3rd respondent shall also cooperate for resolving the issues.

4. Under these circumstances the present Habeas Corpus Petition need not be kept pending in view of the fact that the child/ detainee had already been produced and now in the custody of the father/ 3rd respondent. Thus no further adjudication needs to be undertaken in respect of the grounds raised in this Habeas Corpus Petition.

5. Accordingly, this Habeas Corpus Petition stands closed.

Sd/-
Assistant Registrar (Co)

//True Copy//

Sub Assistant Registrar

dsa/gsa

To

- 1.The Superintendent of Police,
Kanchipuram District.
- 2.The Inspector of Police,
All Women Police Station,
Chengalpattu, Kanchipuram.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

H.C.P.No.1927 of 2017

KK(CO)
TR(18/05/2018)



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