

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.07.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

H.C.P. No.443 of 2018

Sumathi

.. Petitioner

- Vs -

1. The State rep. By
The Superintendent of Police,
Cuddalore District, Cuddalore.
2. Renganathan,
The Special Sub Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
3. Murugan,
The Special Sub-Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
4. Elangovan

... Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the respondents to produce the children, namely Gopika, aged about 6 years and Parans, aged about 3 years, both are the children of the petitioner herein now illegal custody of the 4th respondent and set them at liberty.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.R.Prathap Kumar, APP, for R1 to R3

ORDER

(DELIVERED BY DR. S.VIMALA, J.)

This Habeas Corpus Petition has been filed by the mother of the detenues, seeking production of her children, namely Gopika, aged about 6 years and Parans, aged about 3 years.

2.The detenues had been present in Court for the hearing on 11.04.2018 and on that day, the matter was referred to the Tamil Nadu Mediation and Conciliation Centre, attached to this Court. After Mediation, a report has been received from the Mediation Centre, from which, it is evident that the parties are not willing to participate in the mediation. Even from the affidavit filed by the petitioner, it is evident that the 4th respondent is her husband and father of detenues, namely, Gopika and Parans. The detenues being in the custody of the father cannot be said to be illegal custody, more so, when the affidavit reveals that matrimonial discord exists between the petitioner and the 4th respondent.

3. Under such circumstances, this Habeas Corpus Petition is closed with liberty to the petitioner to pursue her remedy before the appropriate forum, in accordance with law.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Cuddalore District, Cuddalore.
2. Renganathan,
The Special Sub Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
3. Murugan,
The Special Sub-Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court, Madras - 600 104.

H.C.P. No. 443 of 2018

EV(CO)
CSL/23.10.2018