



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM

and

THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P. (MD) No.597 of 2018

A.Zeenath Begam

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
All Women Police Station,
Uthamapalayam Taluk,
Theni District.

3.M.Noohuraja

... Respondents

PRAYER: The petition 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 petitioner's minor son namely, Affanaslam, aged about 9 years before this Court and hand over his custody to the petitioner.

For Petitioner : Mr.P.Bhaskar

For Respondents : Mr.K.Dinesh Babu, APP for R1 and R2
Mr.A.K.Manickam for R3

ORDER

(Order of the Court was made by C.T.SELVAM,J.)

Petitioner has moved the present Habeas Corpus Petition, seeking production of her minor son namely, Affanaslam, aged 9 years.

2.Earlier, this matter has been referred to mediation by this Court and the report of the Mediation and Conciliation Centre dated 07.06.2018 informs that no agreement has been reached. Presently, the petitioner, third respondent as also minor child are before this Court.

3.We have interacted with the minor child, who informs no desire to be brought to Madurai for the purpose of meeting his mother, the petitioner, once in a while.



4. We placed on record of such oral observation that such conduct of the child is only to be expected when he is produced from the custody of the third respondent / father.

5. Petitioner has moved a suit in O.S.No.21 of 2018 before the Family Court, Madurai, seeking certain reliefs, which inter alia includes one of visiting the minor child. The parties will now work out their rights before the civil forum. Pending a decision by such forum and as agreed by either side, petitioner shall meet her minor child at the place of Mr.A.Nawaskhan (Advocate), 329, L.F.Road, (behind Amaravathi Theatre), Cumbum once in two weeks ie., on Sundays at 10.00 a.m. to 6.00 p.m. commencing from July 2018.

6. The Habeas Corpus petition shall stand closed.

Sd/-
Assistant Registrar (WRIT)

/TRUE COPY/

Sub Assistant Registrar

1. The Superintendent of Police,
Theni District.
2. The Inspector of Police,
All Women Police Station,
Uthamapalayam Taluk,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.A.K.Manickam Advocate in SR.No.68093.

+1CC to Mr.P.Bhaskar Advocate in SR.No.68127.

NBJ
DS/SV/SAR-2 :12.07.2018: 2P/6C

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