



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

H.C.P. (MD) No.1426 of 2018

Vidhya

... Petitioner

Vs.

1. The Superintendent of Police,
Superintendent of Police Station,
Tirunelveli District.
2. The Inspector of Police,
Tirunelveli Rural All Women Police Station,
Tirunelveli District.
3. Velpandian
4. Mookaiah Pandian
5. Sankarammal

... Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of Constitution of India, to issue a Writ of Habeas Corpus directing the 1st and 2nd respondents to produce the person or body of the detenu viz., Tharun, son of Velpandian, aged 10 months before this Court and hand over the custody to the petitioner.

For Petitioner
For R1 & R2

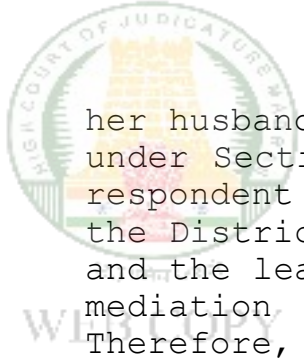
: Mr.R.Pon Karthikeyan
: Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

[Order of the Court was made by T.RAJA,J.]

The Habeas Corpus Petition has been wrongly filed before us by the wife against her husband and her in-laws for issuing a direction against the respondents 1 and 2 to produce the detenu viz., Tharun, S/o. Velpandian, aged about 10 months before this Court.

2. When the matter was taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that the Habeas Corpus Petition is not maintainable for two reasons. Firstly, the petitioner has given a complaint against



her husband and in-laws and the same was registered for the offences under Sections 498(A), 323 and 506(i) of I.P.C. Secondly, the third respondent viz., Velpandian has already moved an application before the District Court, Tirunelveli along with his parents, seeking bail and the learned Principal District Judge has referred the matter for mediation and the matter is posted for mediation on 12.10.2018. Therefore, at this stage, if the case is taken up, the mediation process would be spoilt and diverted.

3. We find merits on the submission made by the learned Additional Public Prosecutor. When the case of the petitioner has been referred to the mediation and to be taken up on 12.10.2018, the petitioner has to approach only the Mediation Centre attached to the District Court, Tirunelveli. When the issue has been seized by the Mediation Centre at Tirunelveli, it is not justifiable for the petitioner to move this Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition fails and the same is dismissed.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-II)

akv
To

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

Copy to
Mediation Centre attached District Court,
Tirunelveli.

+1cc to Mr.R.Pon Karthikeyan, Advocate in SR No.88176

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