IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

H.C.P.No.1624 of 2019

C.Seetha
D/o.Rajendiran .. Petitioner

Vs.

1.The Inspector of Police
Ammapet Police Station
Ammapet, Salem City.

2.The Inspector of Police
All Women Police Station
Ammapet, Salem City.

3.D.Chandhiran .. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 1st respondent to produce the body or person of petitioner's son Sudeep, aged about 9 years, who is under the illegal custody of the 3rd respondent before this Hon'ble Court and handover the custody to the petitioner and pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr.S.P.Yuvaraj

For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor

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O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner has filed this petition praying for issuance of Writ of Habeas Corpus, directing the first respondent to produce the body of her son viz., Sudeep, aged about 9 years before this Court.

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2. The petitioner, her husband viz., third respondent and the detenu are present. After having discussion with them, we find that it is nothing, but matrimonial discord. However, the detenu is studying 4th Std., at Bala Gangadhar Rathnaswamy International School, Bangalore, CBSE Stream as an inmate. Therefore, there is no question of dislodging him from the said place. Detenu is also bitter with the petitioner. This is our prima facie conclusion, pursuant to the limited interaction we had. The parties are also agreed to resolve their dispute before the Mediation Centre at Salem, notwithstanding the fact that the third respondent has filed a petition for divorce.

3. In such view of the matter, while close this petition, the petitioner and the third respondent is directed to appear before the Mediation Centre, Salem on 18.09.2019. This will be taken along with the divorce petition filed by the third respondent. We make it clear that petitioner is also at liberty to take a visit to the detenu in any one of the Saturday and Sunday of every month.

This Habeas Corpus petition is closed.

Sd/-

Assistant Registrar (Insp.cell)

//True Copy//

Sub Assistant Registrar

vsm

To

1.The Inspector of Police
Ammapet Police Station
Ammapet, Salem City.

2.The Inspector of Police
All Women Police Station
Ammapet, Salem City.

3.The District Mediation Centre,
Salem.

4.The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.S.P.Yuvaraj Advocate, S.R.No.75968

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CB(17/09/2019) H.C.P.No.1624 of 2019

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