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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.07.2019
CORAM:
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.519 of 2019

Pavithra ... Petitioner

Vs.

1.The Superintendent of Police,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Kottar Police Station,
Kottar, Nagercoil.

3.S.Senthilkumar ... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the 2nd Respondent herein to produce the person or corpus of the petitioner's children namely Aswhin (aged about 7 years) and Roshan (aged about 4 years) within a stipulated time and handed over the custody of them with the petitioner.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents 1 & 2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

For 3rd Respondent : Mr.R.Rajamohan

Mediator : Mr.P.Ganapathy Subramanian

O R D E R

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

The present Habeas Corpus Petition is filed by the petitioner for protection of her minor sons, who are said to be under the illegal detention of her husband viz., the third respondent and the present order is passed in continuation and conjuncture with the earlier orders dated 18.06.2019 and 01.07.2019.

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2.The detenus were also produced by the third respondent on 01.07.2019 and the matter was passed over and called after sometime. The younger son was handed over to the mother and elder son was handed over to the father/3rd respondent and therefore, this Court requested the services of Mr.P.Ganapathi Subramanian, learned counsel as mediator to find out the possibility of some amicable settlement.

3.Accordingly, the matter was taken up by the Tamil Nadu Mediation and Conciliation Centre, Madurai Bench of this Court and the services of Dr.J.Vimala Rani, Family Counsellor of Family Court, Madurai was also availed by Mr.P.Ganapathi Subramanian and the Mediation Report No.534 of 2019 has been filed today and the same is taken on file and recorded. The contents of the report would disclose that the detenu Minor Ashwin, aged about 7 years remains to be in the custody of the father/3rd respondent and the detenu Minor Roshan remains to be in the custody of the mother.

4.The exchange of the minor children with either of the parent, who are estranged is the most difficult job and in the light of the facts and circumstances of the case, this Court is of the considered view that it is open to either of the parties to approach competent Court of civil jurisdiction to work out the remedy as to the custody of the children and till such time the detenu Ashwin, aged about 7 years be in the custody of the third respondent and the detenu Roshan, aged about 4 years, be in the custody of the petitioner. Both the parties are advised to workout some accommodation for visiting in respect of the detenus, who are in their respective custody.

5.This Court also places its deep appreciation to Mr.P.Ganapathi Subramanian, learned Mediator as well as Dr.J.Vimala Rani, Family Counsellor of Family Court, Madurai, who took all endeavours to find out the possibility of amicable settlement as to the custody of the children.

6.This Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar(CS-)

sj

To

1.The Superintendent of Police,
Nagercoil, Kanyakumari District.

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2.The Inspector of Police,
Kottar Police Station,
Kottar,
Nagercoil.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.T.RAMESH RAJA, Advocate
(SR-73147[F] dated 03/07/2019)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-73282[F] dated 04/07/2019)

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