



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2019

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.561 of 2019

K.Ganapathy

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
All Women Police Station,
Melur, Madurai District.

3.R.Gowrinathan

4.G.Sethulakshmi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents to produce the detenu namely Madhushri, D/o Ganapathy, aged about 8 years (minor) before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.T.Palanisamy

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor
for R.1 and R.2

: Mr.V.M.Jagadeesh Pandian
for R.3 and R.4

ORDER

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

The matter in issue pertains to the custody of the child.

2. The petitioner, being the father, alleging illegal custody



of her minor daughter, viz., Madhushri, aged about 8 years, at the hands of his father and mother in-laws, filed this Habeas Corpus Petition.

3. When the matter was listed on 17.07.2019, this Court has suggested for mediation and accordingly, Mr.K.Samidurai, learned Advocate and also a member of the Tamil Nadu Mediation and Conciliation Centre attached to this Bench, had taken mediation and a settlement, dated 26.07.2019, has also been arrived and the same has been submitted before this Court and it is relevant to extract the same hereunder:

"The petitioner and Maternal grand parents of the Minor Child namely G.Mathusri have agreed to abide the following terms and conditions:

i. The Petitioner/Father of the minor child namely G.Mathusri has agreed to leave the Child in the care of minor child's maternal parents.

ii. The minor child should be allowed to contact her Father/Petitioner over phone every day.

iii. During School holidays, long vacation minor child will be allowed to visit her father and stay with him.

iv. The maternal grand parents have agreed to leave the child to the Petitioner/Father custody during holidays in the School and long vacation as requested by the Petitioner's father.

v. The grand Parents agreed to withdraw the O.P. petition filed by them for custody of the Child in the view of the above terms.

vi. The minor child will be allowed to be with her father during temple festival.

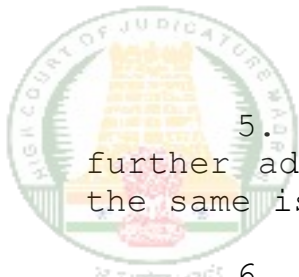
vii. On the death of either of grand parents both the parties agreed the minor child should be handed over to the Petitioner/Father.

viii. The maternal grand parents agree to have visitation rights of the minor child in their house whenever the Petitioner/Father wants to see the child by informing them in advance.

ix. The child will be looked after by the maternal parents with loving care.

x. The Petitioner/Father is here by agreed to withdraw the H.C.P.(MD)No.561/2019 pending before this Hon'ble High Court."

4. The petitioner as well as the private respondents 3 and 4 shall strictly adhere to the terms of the settlement dated 26.07.2019.



5. In the light of the said development, nothing remains for further adjudication in this Habeas Corpus Petition and therefore, the same is closed.

6. The settlement dated 26.07.2019 arrived at between the parties as recorded by the Mediation and Conciliation centre attached to this Bench, shall form part of the record.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
All Women Police Station,
Melur, Madurai District.

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

+1 CC to M/s.T.PALANISAMY, Advocate (SR-79007[F] dated 31/07/2019)

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-79144[F] dated 01/08/2019)

H.C.P. (MD) No.561 of 2019
31.07.2019

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