



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.1688 of 2018

R.Anusha Devi

... Petitioner

-vs-

1.The Commissioner of Police
Tirunelveli, Tirunelveli District

2.The Inspector of Police
Town Police Station
Tirunelveli Town
Tirunelveli District

3.Sushma @ Devika

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents herein to produce the body or in person of detenu/the petitioner's husband namely K.Rajarathinam son of Karuppasamy aged about 34 years and set him at liberty.

For Petitioner : Mr.M.Dinesh

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R1 & R2

For Detenu : Mr.R.Pon Karthikeyan

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

Today, Mr.K.Krishnan, Special Sub-Inspector of Police, Tirunelveli Town Police Station, Tirunelveli District, is present.

2. It is the case of the petitioner that her husband <https://hcservices.ecourts.gov.in/hcservices/Rajarathinam>, aged about 34 years, went missing from November, 2018 and hence, the present habeas corpus petition has been filed.



3. It is also seen that the respondent - Police had produced the detenu Rajarathinam before this Court on 13.12.2018 and the parties were referred to the Tamil Nadu Mediation and Conciliation Centre, attached to this Court, for arriving at a settlement.

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4. The learned counsel on either side submitted that mediation proceedings are still pending, where both parties are regularly appearing and settlement is likely to be arrived at between the parties.

5. Under such circumstances, we do not find that the detenu is in the illegal detention of anyone for the issuance of a writ of habeas corpus and hence, the habeas corpus petition is closed.

6. However, the Mediation and Conciliation Centre is directed to proceed with the mediation proceedings and if the parties arrive at a compromise either to obtain divorce or otherwise, the matter will have to be decided only by the competent Family Court and not by this Court. The Mediation and Conciliation Centre is directed to complete the mediation process within a period of two months from the date of receipt of a copy of this order and send a report to the Assistant Registrar, Criminal Side, Madurai Bench of Madras High Court, Madurai, who shall place the same as a part of the records of this case.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS)

To:

1. The Commissioner of Police,
Tirunelveli, Tirunelveli District.
2. The Inspector of Police,
Town Police Station,
Tirunelveli Town,
Tirunelveli District.
3. The Co-ordinator,
Mediation and Conciliation Centre,
Madurai Bench of Madras High Court,
Madurai.
4. The Assistant Registrar,
Criminal Side,
Madurai Bench of Madras High Court,
Madurai.



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

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate
(SR-48308[F] dated 20/02/2019)

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ES/21.03.2019/3P/7C