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H.C.P.(MD) No.848 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.848 of 2020

Kalyani : Petitioner/Mother of the detenue

-vs-

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
Karimedu Police Station,
Madurai City.

3. The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai.

4.Veluraja : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 3 to produce the body or person of the Petitioner's son namely Neeraj Thayaleshvarar, aged 10 years and Karunyan, aged 8 years, son of Veluraja from the illegal custody of the third respondent before this Court and hand over the custody to her.

For Petitioner : Ms.M.Kanchammal

For Respondents : Mr.K.Dinesh Babu

1 to 3 Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

Heard Ms.M.Kanchammal, learned counsel appearing for the Petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 to 3 and perused the materials placed before this Court.

2.The Petitioner has come forward with this Habeas Corpus Petition seeking for a direction to the respondents 1 and 2 to produce the Petitioner's sons namely, Neeraj Thayaleshvarar, aged



10 years and Karunyan, aged 8 years, son of Veluraja from the illegal custody of the third respondent and hand over their custody to her.

3.The Petitioner is the wife of the fourth respondent and the marriage between them was performed about 12 years ago and during the lawful wedlock, they are having two children, who are the detenus in this case. It appears that due to the matrimonial discard, they are living apart and this Habeas Corpus Petition has been filed by the mother against their father, seeking custody of the minor children.

4.When the matter was heard by this Bench, at the request of the parties, it was referred to Mediation, wherein, Mrs.J.Anandhavalli, learned counsel was requested to act as a Mediator in this case.

5.It is seen to be noted that a settlement has been reached between the Petitioner and the fourth respondent and it was also reduced into writing and the same has been filed before the Mediation Centre of this Court on 9.11.2020, in which, both the parties as well as their respective counsels have also signed, which reads as follows:

'6.The following settlement has been arrived at between the parties hereto:

Petitioner Mrs.Kalyani, fourth respondent Mr.Veluraj both are present. Master Neeraj Dayaleshwar-Ist son and Master Karunyan-2nd son are also present. Fourth respondent agreed to find out a house for rent in TVS Nagar before the first week of December 2020. Petitioner and the second child can live there and the first child will be with fourth respondent. The father has agreed to meet out all the expenses of the family of all and the educational expenses of the children. The fourth respondent has also agreed to provide transportation(Cabs) for school and hospital(if required) and for long distance travel. Fourth Respondent has agreed that he will not use filthy language against the Petitioner and will not berat the Petitioner. The Petitioner has also agreed that she will not scold or use filthy language against the fourth respondent. Both the children agreed to go with the fourth respondent, has agreed to visit the children daily in their house where they live with the Petitioner. Fourth respondent has also agreed that he will not anything as a case in the meantime. Call this case on 16.12.2020.'



6. In the light of the above facts, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar (CS)

vsn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Inspector of Police,
Karimedu Police Station,
Madurai City.
3. The Inspector of Police,
All Women Police Station,
Madurai South, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.S.RAJESHWARI, Advocate SR-23469.

ORDER MADE IN
H.C.P. (MD) No.848 of 2020
01.12.2020

CK (CO)
CS (15.12.2020) 3P 6C