



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.NO.1197 OF 2020

S.Shanmuga Priya
D/o.E.Shanmuga Sundaram

.. Petitioner

..Vs..

State by

1. The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
W-18, All Women Police Station,
M.K.B.Nagar, Vyasarpadi,
Chennai - 600 039.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the second respondent herein to produce the body of my minor daughter, viz., Janani, aged about 6 years and set her at liberty before this Court.

For Petitioner : Ms.N.Sangeetha

For Respondents : Mr.R.Muniyapparaj
Government Advocate [crl.side]
for R1 & R2

Mrs.Anita Thomas for the
3rd Respondent

ORDER

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

This petition has been filed seeking a direction to the second respondent herein to produce the petitioner's minor daughter, viz., Janani, aged about 6 years and set her at liberty before this Court.



2. It is the case of the petitioner that she got married to one Velayutham on 12.02.2013 and through the wedlock, she was blessed with a girl child Janani on 26.11.2014. On account of marital discord, the spouses got estranged. It appears that Velayutham had filed an application for restitution of conjugal rights and the petitioner had filed an application for divorce before the appropriate Court. Unfortunately, Velayutham died on 18.10.2019. At the time of his death, the child was with him and thereafter, the custody of the child was with his parents. Since the in-laws of the petitioner were not giving custody of the child, the petitioner has filed the present Habeas Corpus Petition.

3. The parties were sent for mediation and before the mediators, the parties appear to have entered into a settlement on 19.08.2021, the terms of which read as under:

'3. As per the instructions of this Hon'ble Court, the petitioner and the 3rd [third] respondent agreed to resolve their dispute and have hereby arrived at an understanding, as hereunder.

- A. Both the parties agree not to change the school of the Child.
- B. Both the parties agree that the Petitioner Mother, will bear all the expenses of the Child.
- C. Both the parties agree that the Petitioner shall allow the child to go and stay with the 3rd respondent for 1 day twice a month [preferably Saturday or Sunday].
- D. Both the parties agree that the Child will be sent to the 3rd Respondent's residence for 15 days during the summer holidays, 1 week during Christmas holidays and for 1 day during Pongal and for any Family functions on mutually agreed dates.
- E. Both the parties agree to renew the FD till such time as it is required for the Education or Marriage expenses of the child and the original FD will be retained by the 3rd Respondent after every renewal for safe keeping.'

In terms of the aforesaid settlement, the child is now in the custody of the petitioner.



In view of the above, this Habeas Corpus Petition stands closed. In case of alleged breach of any of the aforesaid terms and conditions of the compromise memo, it is open to the parties to approach the appropriate Court.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
W-18, All Women Police Station,
M.K.B.Nagar, Vyasarpadi,
Chennai - 600 039.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mrs.Anita Thomas, Advocate, S.R.No.42157

H.C.P.No.1197 of 2020

RP(CO)
CS/17/09/2021