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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.1443 of 2021

R.Krishnaveni
W/o.C.Somu Raj

..Petitioner

Vs.

1.The State represented by
The Inspector of Police,
W27, All Women Police Station,
Vadapalani, Chennai - 600 026.

2.The Commissioner of Police,
Vepery, Chennai - 600 007.

3.C.Somu Raj
S/o.Chidambaram

..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the first respondent herein to produce the detenus, viz. (a) Minor Shoshana Miracle (female 6 years) born on 28.06.2015, (b) Minor Paulina Blessey (female 1½ years) born on 28.10.2019 and (c) Minor Calvin Wycliffe (male 1½ years) born on 28.10.2019 before this Court, who is now under the illegal detention of the third respondent and restore the custody of the three children.

For Petitioner : Mr.I.Jenkins William

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor [R1 & R2]
Mr.M.Govindarajan [R3]
[Enrl.No.3333/11]



O R D E R
[Order of the Court was made by P.N.PRAKASH, J]

WEB COPY This petition has been filed seeking a direction to the first respondent herein to produce the detenus, viz. (a) Minor Shoshana Miracle (female 6 years) born on 28.06.2015, (b) Minor Paulina Blessey (female 1½ years) born on 28.10.2019 and (c) Minor Calvin Wycliffe (male 1½ years) born on 28.10.2019 before this Court, who is now under the illegal detention of the third respondent and restore the custody of the three children.

2. On 21.09.2021, we passed the following order:

'Today Ms.N.Renuga (Mobile No.7548836019), Sub-Inspector of Police, W-27, All Women Police Station, Vadapalani, Chennai, is present.

2. It is the case of the petitioner that her three infants have been illegally taken away by her husband Somu Raj, third respondent herein to Bihar.

3. Somu Raj appeared before this Court via WhatsApp video call in the mobile phone of the learned Additional Public Prosecutor and stated that he is employed in Bihar and his three children are with him. He further stated that he will appear before this Court with the three children in the next hearing.

4. Accordingly, we informed Somu Raj that he should appear before this Court on 05.10.2021 along with the three children. His present address is Ward No.38, Maharshi Nagar, Chhota Bariyarpur, Motihari East, Champaran District, Bihar - 845 401. The petitioner shall also be present before this Court on 05.10.2021.

Post the matter on 05.10.2021. '

3. On 05.10.2021, we passed the following order:

'Today, Ms.N.Renuga, Sub-Inspector of Police, W27, All Women Police Station, Vadapalani, Chennai, is present.

2. Mr.M.I.Javid Akbar, Advocate, entered appearance for the third respondent. A copy of the affidavit and petition has been furnished to the learned counsel for the third respondent.



3. Mr.C.Somu Raj/third respondent appeared via video conferencing and stated that he is, at present, in Sivakasi.

4. It is seen that on 21.09.2021, Mr.C.Somu Raj/third respondent requested us to adjourn the case to 05.10.2021 (today) and undertook to appear before us with the children. We deprecate this tactics for evading this Court.

5. We direct Mr.C.Somu Raj/third respondent to be present before this Court along with the children on 06.10.2021.

Post on 06.10.2021. '

4. On 19.11.2021, we passed the following order:

'Today, Ms.M.Seethalakshmi, WPC-52163, W-27 AWPS, Vadapalani, is present before this Court.

2. On 08.10.2021, we passed a detailed order. Today, when the matter was taken up for hearing, Mr.T.Padmanabhan and Mr.M.Govindarajan, Advocates entered appearance for R3.

3. Mr.M.Govindaraj (E.No.3333/2011, having mobile number 98421 55087) submitted that pursuant to the order of this Court, the children were handed over by R3 to the petitioner. However, the petitioner is not giving free access to R3 to visit the children. This is refuted by the learned counsel for the petitioner.

4. It also appears that the petitioner had not entered appearance in I.D.O.P.No.81 of 2021, but seems to have appear in person before the said Court.

5. The Secretary, District Legal Services Authority, Tirunelveli, is directed to send a report to this Court as to the stage of the mediation proceedings and the results, if any.

Post this matter on 17.12.2021.'

5. Today, Ms.T.Renukadevi, Inspector of Police and Ms.P.Sasikala, WHC-17630, W27 - All Women Police Station, Vadapalani, Chennai - 600 026, are present.

6. Heard Mr.I.Jenkins William, learned counsel for the petitioner, Mr.R.Muniyapparaj, learned Additional Public



Prosecutor appearing for the State and Mr.M.Govindarajan [Enrl.No.3333/11], learned counsel appearing for the third respondent.

7. Today, when the matter was taken up for hearing, learned counsel for the petitioner and learned counsel for the third respondent submitted that the parties appeared before the District Legal Services Authority, Tirunelveli, as directed by this Court and they were referred to the Mediation Centre attached to the District Court, Tirunelveli. Before the Mediators, the parties arrived at a settlement on 14.12.2021.

8. The Secretary, District Legal Services Authority, Tirunelveli, has also sent a communication dated 14.12.2021, wherein it is stated as follows:

'On 14.12.2021 the petitioner Krishnaveni and Thiru.Somuraj (R3) appeared before the Mediation Centre, Tirunelveli. Both of them arrived at amicable settlement in the Mediation process and agreed to live together with their Children. Both parties jointly filed Joint Memo and stated as follows..

"That the petitioner has not pressed the DOP.No.81/2021 on 20.11.2021 on the file of Additional District Court, Srivalliputhur and the DOP was dismissed as not pressed".

The petitioner also assured that she will withdraw the HCP No.1443/2021 before the Hon'ble High Court of Madras.

Both of them stated that as per the direction of the Hon'ble High Court of Madras, best Counselling were given by the Department of Psychiatry, Tirunelveli Medical College Hospital and they agreed to live together happily with their Children and also assured that they will not raise any problem or dispute against each other in future.

I humbly submit here with the Mediation report, Settlement Agreement and Joint Memo filed by both parties for your Honours kind perusal.

This is submitted for favour of kind information.'

9. We place on record our appreciation to the Secretary, District Legal Services Authority, Tirunelveli, as well the Mediators Mr.A.Benny and Mr.P.V.Muthuram for bringing about an amicable settlement between the parties.



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In view of the above, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Inspector of Police,
W27, All Women Police Station,
Vadapalani, Chennai - 600 026.
- 2.The Commissioner of Police,
Vepery, Chennai - 600 007.
- 3.The Secretary,
District Legal Services Authority,
Tirunelveli.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.I.Jenkins William, Advocate SR. No.67880

H.C.P.No.1443 of 2021

GJ (CO)
PR (03/01/2022)