



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

H.C.P. (MD) No.335 of 2021

S.Selvi

... Petitioner

-vs-

1.The Superintendent of Police
Madurai District, Madurai

2.The Inspector of Police
Samayanallur Police Station
Madurai District

3.Latha

4.R.Suresh Kumar

... 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 to produce the body or corpus of the detenu Minor.V.Thirukrish (aged about 3 years 2 months), son of Late.S.Vignesh, from the illegal custody of the 3rd and 4th respondents before this Court and hand over the custody of the Minor.V.Thirukrish to the petitioner.

For Petitioner : Mr.Kannan.V.

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R1 & R2
Mr.T.Balaji for R3

O R D E R

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

The petitioner has filed this habeas corpus petition seeking direction to the respondents 1 and 2 to secure her grandson, namely, Minor.V.Thirukrish, son of Late.S.Vignesh, aged about 3 years and 2 months, from the illegal custody of the respondents 3 and 4, produce him before this Court and hand over his custody with her.



2. The petitioner is the grandmother of the detenu Thirukrish. The petitioner would state that the third respondent married her son and through whom, she delivered the detenu on 22.12.2017. However, unfortunately, the petitioner's son died in an accident on 12.03.2018. In M.C.O.P.No.418 of 2018, compensation was awarded to the petitioner, third respondent and the detenu. The petitioner would further state that she has filed G.W.O.P.No.75 of 2020, before the I Additional District Court, Madurai, seeking permanent custody of the detenu and after filing of an interlocutory application in the said Guardian and Wards Original Petition for visitation right, the respondents 3 and 4 along with the detenu are found missing. Apprehending danger to the detenu at the hands of the respondents 3 and 4, the petitioner has filed this habeas corpus petition.

3. When the matter is taken up for hearing, the third respondent along with her son / detenu herein appeared before this Court through Video Conferencing, represented by a counsel Mr.T.Balaji. On enquiry, the third respondent would state that she is now residing with the fourth respondent just 50 Meters away from the house of the petitioner and she denied the allegation of the petitioner that after filing of an interim application in the G.W.O.P., she and her husband / fourth respondent herein have absconded from the place.

4. In the light of the above statement of the third respondent, we find no merit in this habeas corpus petition and the same is therefore dismissed. However, the petitioner is at liberty to workout her remedy in the pending Guardian and Wards Original Petition before the I Additional District Court, Madurai, in the manner known to law.

5. At this juncture, the learned counsel for the petitioner and the learned counsel for the third respondent have agreed to refer the parties to the Mediation and Conciliation Centre attached to the District Court, Madurai, to settle the dispute. Hence, the petitioner and the third respondent are directed to appear before the Mediation and Conciliation Centre attached to the District Court, Madurai, on 19.03.2021, without fail, to explore the possibility of settlement.

Sd/-

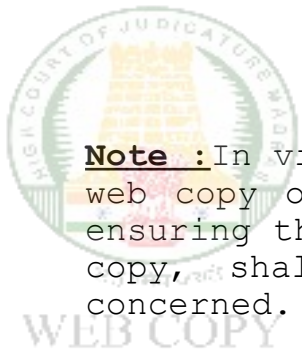
Assistant Registrar(AS)

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/ /2021

Sub Assistant Registrar(CS)

KRK



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 Superintendent of Police,
Madurai District, Madurai.
- 2.The Inspector of Police,
Samayanallur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Officer-in-Charge,
Mediation and Conciliation Centre,
District Court Campus, Madurai.

+1 CC to M/s.V.KANNAN, Advocate (SR-11876[F] dated 17/03/2021)

+1 CC to M/s.T.BALAJI, Advocate (SR-12070[F] dated 18/03/2021)

H.C.P. (MD) No.335 of 2021
17.03.2021

VR(CO)

TR(18.03.2021) 3P 7C