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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and

THE HONOURABLE MS. JUSTICE R.N.MANJULA

H.C.P.No.1836 of 2021

V.Mahalakshmi
W/o.Vijayakumar

...Petitioner/Mother of Detenue

Vs.

1. The State of Tamil Nadu
represented by
The Superintendent of Police,
Krishnagiri District.
2. The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
3. P.Vijayakumar
S/o.Panneerselvam

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents 1 and 2 herein to secure the petitioner's minor child Kirubakaran, aged about 10 years and produce before this Court forthwith from the illegal custody of third respondent and hand over his custody to the petitioner.

For Petitioner :Mr.G.Magesh Kumar

For Respondents :Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

This petition has been filed seeking a direction to the respondents 1 and 2 herein to secure the petitioner's minor child Kirubakaran, aged about 10 years and produce before this Court forthwith from the illegal custody of third respondent and hand over his custody to the petitioner.



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2. On 19.11.2021, we passed the following order:

'It is the case of the petitioner that she got married to the 3rd respondent on 22.01.2007 and through the said wedlock, she has two children viz., Krithika (aged about 13 years) and Kirubakaran (aged about 10 years); her husband is keeping her son in the illegal custody and therefore, she has filed the present habeas corpus petition.

2. On 17.11.2021, we passed the following order :

"Today, Mr. Sivakumar, Inspector of Police, Kottapatti Police Station, produced the third respondent and the child via video conferencing from Kottapatti Police Station.

We direct the petitioner, the third respondent and the child to be present before us on 19.11.2021.

Post on 19.11.2021."

Strangely, the Registry did not list this matter today. Since, the office of the Public Prosecutor had sent intimation to the Inspector of Police, Kottapatti Police Station, Dharmapuri District, Mr.V.V.Sivakumar, Inspector of Police, Kottapatti Police Station, brought the 3rd respondent and Kirubakaran to the Court today. Therefore, we had the matter listed at 02.30 p.m., after duly informing the learned counsel for the petitioner to appear via video conferencing. Accordingly, the learned counsel for the petitioner appeared via video conferencing and submitted that since the matter was not in the cause list, he had not instructed his client to appear before us.

3. We find that this is purely a matrimonial dispute between spouses and therefore, the same could be resolved amicably, if the parties are sent to mediation in Krishnagiri District, instead of asking them all the way to come to Chennai. Therefore, we direct the petitioner and the 3rd respondent to appear before the Secretary, District Legal Services Authority, Krishnagiri at 10.00 a.m. on 01.12.2021 along with the children. The District Legal Services Authority shall refer them to the Mediation and Conciliation Centre, attached to the District Court and the mediation to be conducted by experienced and senior mediators. The said mediation proceedings shall



be completed before 30.12.2021 and the report to be sent to this Court.

4. A copy of the affidavit and typed set of papers were furnished to the 3rd respondent.

List this matter on 07.01.2022.'

3. Mr.Gokul, Sub-Inspector of Police, Kottapatti Police Station, appeared via video conferencing. Learned counsel for the petitioner also appeared via video conferencing.

4. The District Mediation Centre, Krishnagiri, has sent a report in D.No.366/2021 dated 29.12.2021, wherein it is stated as follows:

'On 23.12.2021 both parties present before mediation centre they were mediated by the mediator, and then for further mediation the petition adjourned to 27.12.2021. On 27.12.2021, both parties present before the mediation centre, the mediator elaborately explained the dispute between both parties, after long discussion they mutually agreed to settle the issues amicably as per the conditions here under.

1. Both the petitioner and the respondent mutually agreed to live amicably by reunion along with their son Kirubhakran and daughter Kiruthiga.
2. Both parties agreed to lead the family life by setting up the residence from mutual consent in the interest of family and children welfare.
3. The respondent/Father agreed to deposit the sum of Rs.5,00,000/- (Rupees Five Lakhs) in favour of the two children by opening the joint account with the petitioner.

This is most humbly submitted for your Honour's kind perusal.'

Recording the same, this Habeas Corpus Petition is closed. If there is any further differences between the parties with regard to the aforesaid mediation agreement, they may resolve it by approaching appropriate Court and not by way of Habeas Corpus Petition.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



gm

To

- 1.The Superintendent of Police,
Krishnagiri District.
- 2.The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
3. The District Mediation Centre
Krishnagiri
- 4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1836 of 2021

CA(CO)
SP(27/01/2022)