



H.C.P.(MD) No.1157 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2022

CORAM:

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

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Vanmugil

... Petitioner

-VS-

1. The Superintendent of Police,
Sivagangai, Sivagangai District.

2. The Inspector of Police,
All Women Police Station,
Sivagangai District.

3. Rajapandian

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body or person of the detenu/the petitioner's minor son named Dharunpandian, S/o.Rajapandian, aged about 9 years, before this Court and hand over the custody of the detenu to the petitioner.



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For Petitioner : Mr.G.Mariappan

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor for R1 and R2

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the respondents 1 and 2 to produce the body or person of the petitioner's son viz., Dharunpandian, aged about 9 years, before this Court and hand over the custody of the detenu to the petitioner.

2. It is the case of Vanmugil, the petitioner, that she got married to Rajapandian, the third respondent, on 27.11.2011 and through the wedlock, she has a son, namely, Dharunpandian (the detenu) who is now nine years old. Vanmugil is employed as a Senior Cooperative Auditor in the Audit Department of the State Government and is posted in Sivagangai. On account of some misunderstanding, Vanmugil and Rajapandian appear to have got estranged and Dharunpandian is in the custody of the latter in Madurai. Under the above circumstances, the present habeas corpus petition has been filed for custody of



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WEB CRYM Dharunpandian.

3. Today, Mrs.G.Tamil Selvi, Sub-Inspector of Police, AWPS Sivagangai, Vanmugil (petitioner herein), Rajapandian (third respondent herein) and Dharunpandian are present.

4. We interviewed the parties individually and we observed that both the parties are not making any serious allegations against each other and hence, there is every possibility of their reunion if they are sent for mediation. According to Vanmugil, she has got the said employment on compassionate ground on the demise of her father and therefore, she has to necessarily take care of her aged mother. According to Rajapandian, he also has got a duty to take care of his mother. However, Rajapandian said that he has no objection in taking care of his mother-in-law also.

5. Be that as it may, in the aforesaid facts and circumstances, it cannot be stated that the detenu Dharunpandian is in the illegal custody of Rajapandian for the issuance of a writ of habeas corpus. However, we refer the parties to the



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Mediation and Conciliation Centre attached to this Bench. After the mediation proceedings are completed, a report may be sent to the Assistant Registrar, (Criminal Section), who shall make the report as part of this petition.

6. After interviewing the parties, we felt that Vanmugil should have visitation rights and when we mooted this suggestion to Rajapandian, he readily came forward and stated that he would leave Dharunpandian in the house of Vanmugil at Sivagangai on every Saturday at 10.00 a.m. and take the child on the ensuing Sunday at 5.00 p.m.

7. We record the same and direct Rajapandian to drop the child in the house of Vanmugil at Sivagangai at 10.00 a.m. on every Saturday and collect the child from there at 5.00 p.m. on the ensuing Sunday. It is made clear that this is purely an interim arrangement. It is open to the parties to approach the appropriate Court for custody and guardianship, if so advised. On such a petition being filed, the appropriate Court may pass orders modifying, varying or cancelling the aforesaid order, as it may deem fit.



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8. With the fond hope that the parties would have a happy reunion, we are closing this petition.

[P.N.P., J.] [R.H., J.]
15.07.2022

Index : Yes / No
Internet : Yes / No
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To:

1. The Superintendent of Police,
Sivagangai, Sivagangai District.
2. The Inspector of Police,
All Women Police Station,
Sivagangai District.
3. The Mediation and Conciliation Centre,
Madurai Bench of Madras High Court,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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