



WEB COPY



HCP No.1795 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

Coram

The Hon'ble Mr. Justice **M.SUNDAR**
and
The Hon'ble Mr. Justice **M.NIRMAL KUMAR**

H.C.P.No.1795 of 2022

Kavitha

.. Petitioner

-VS-

1.Deputy Commissioner of Police,
Avadi Commissionerate,
Avadi.

2.The Inspector of Police,
Mangadu Police Station,
Avadi Commissionerate.

3.Nirmal Raj

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the 2nd respondent herein to secure and produce the body of the petitioner's minor son Nikilesh Amruth, S/o Nirmal Raj aged 6 years before this Court and to hand over to the petitioner.

For Petitioner : Mr.T.Balaji for
Mr.T.Muruganantham

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor for R1 & R2
Mr.S.Mahendran for R3



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ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

This order will now dispose of captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of convenience and clarity).

2. This order has to be read in conjunction with and in continuation of earlier proceedings made by Honourable Predecessor Bench in the previous listing on 26.10.2022.

3. To be noted, the petitioner and the third respondent are present in Court before us.

4. Suffice to say that the matter was referred to mediation i.e., Tamil Nadu Mediation and Conciliation Centre ('TNMCC' for brevity) under the aegis of this Court. A mediation report dated 03.02.2023 has been placed before us and a scanned reproduction of the same is as follows:



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SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on 3rd February 2023 between

KAVITHA, W/o. Nirmal Raj, No: 44, Krishna Street, Sri Ranga Nagar, Mogalivakkam Chennai 600 128.

And

NIRMAL RAJ S/o. Sugumaran, No.16/3, Thandavan Street, Purasavalkam (Opp Ooty Villa), Chennai- 600 007.

Whereas:

1. Disputes and differences had arisen between the parties hereto and now H.C.P.No. 1795/2022 is pending before this Hon'ble High Court, Madras.
2. The matter was referred to mediation / Conciliation vide an order dated 21-09-2022 passed by JUSTICE.P.N.PRAKASH AND JUSTICE R.M.THIKKAA RAMAN
3. The parties agreed to that Ms.Girija Would act as their Mediator/ Conciliator. Thereafter Ms.Sudharshana Sundar, was changed to act as a Mediator in the above case through the order dated 26.10.2023.
4. Several meetings were held during the process of Mediation / Conciliator from 23-09-2022 to 03-02-2023 and the parties have with the assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.
5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/ Conciliator.
6. The following settlement has been arrived at between the Parties hereto:
 - A. Parties agree to live separately.
 - B. The custody of the Minor child Nikhilesh Amruth will be with the petitioner Mother, KAVITHA. The 3rd respondent and husband of the petitioner has no objection of the same.
 - C. The Third respondent will be permitted to visit the minor child on monthly two Sundays.

P. Kavitha



5/10/2023



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7. By signing this Agreement the Parties hereto state that they have no further claims or demands against each other with respect to H.C.P.No. 1795/2022 and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliative / Mediation.

DATE : 03.02.2023

PARTIES SIGNATORY:

(Petitioner)

(Respondent)

COUNSEL SIGNATORY :

(Petitioner)

(Respondent)





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5. We are informed that the matter has been amicably settled between the parties.

6. Recording the stated position, captioned HCP is disposed of as closed.

(M.S., J.) (M.N.K., J.)
15.02.2023

Index:Yes/No

Neutral Citation : Yes/No
mmi

To

1.The Deputy Commissioner of Police,
Avadi Commissionerate,
Avadi.

2.The Inspector of Police,
Mangadu Police Station,
Avadi Commissionerate.

3.The Public Prosecutor,
High Court, Madras.



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**M.SUNDAR, J.
and
M.NIRMAL KUMAR, J.**

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15.02.2023