



WEB COPY

H.C.P.No.2307 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2307 of 2023

Ismail

...Petitioner/Father of the detenue

Vs.

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

2. The Inspector of Police,
Vellore North Police Station,
Vellore North,
Vellore District.

3. Kalanthar

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India in the nature of Writ of Habeas Corpus, directing the respondents to produce the Petitioner's daughter Shakeela Banu, w/o. Hyder Ali aged 25 years and grand sons Ahamed Anas, S/o. Hyder Ali and (both minors aged 5 & 3 years) now in the custody of Kalanthar, C/o. Sheik Basha, residing at No. 30, Ravathanallur, Villupuram, Villupuram District before this Court and set them at liberty.



For Petitioner	: Mr. R.Sankarasubbu
For Respondents	: Mr.E.Raj Thilak Additional Public Prosecutor for R1 and R2 Mrs.S.Sridevi for R3

ORDER

(Order of the Court was delivered by S.S.SUNDAR,J.)

The petitioner is the father of the detinue. The detinue was found missing from 15.11.2023.

2. It is stated by the petitioner that the petitioner's daughter along with their two children were abducted by the third respondent, and he was not aware of the whereabouts of the detinue as well as the third respondent.

3. After filing this petition, the detinue was produced before this Court. It appears that the third respondent is also married and has two children. However, the petitioner's daughter appeared to have gone with the third respondent on her own along with her children.

4. Having regard to the fact that the third respondent is already married and the petitioner's daughter might be under the influence of the third respondent, this Court wanted the parties to go before the Mediation attached to this bench. The petitioner's daughter and the third respondent appeared before



the Mediator, who has spent valuable time and submitted a report today, and the parties have reached some agreement as to the custody of minor children.

The daughter of the petitioner voluntarily handed over the custody of the two children to the petitioner, and the petitioner has also agreed to keep the minor children and provided visitation rights to the daughter alone.

5. Since the daughter of the petitioner insisted that she would like to go with the third respondent and there is no point of return, despite some efforts made by the Mediator, Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, this Court finds that the daughter of the petitioner is not in illegal detention or custody, as it was alleged in the petition.

6. Recording the fact that, due to the matrimonial discord, the petitioner's daughter wants to be away from the matrimonial home and stay with the third respondent, this H.C.P.No.2307 of 2023 is closed. The Mediation report shall form part of the record.

(S.S.S.R., J.) (S.M., J.)

14.12.2023

Index: yes/no

Neutral Citation : yes / no

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- To
1. The Superintendent of Police,
Vellore District,
Vellore.
 2. The Inspector of Police,
Vellore North Police Station,
Vellore North,
Vellore District.
 3. The Public Prosecutor
High Court of Madras,
Chennai – 600 104.



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S.S. SUNDAR, J.
and
SUNDER MOHAN, J.
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