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H.C.P.No.583 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM :

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

H.C.P.No.583 of 2024

Krishnaveni

.. Petitioner

Versus

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

2. The Inspector of Police,
All Women Police Station,
Tiruvannamalai.

3. Munusamy

.. Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the 2nd respondent to produce the body of the detenue Hemasawmy Krishna, aged 4 years, and hand over the child to the petitioner.

For Petitioner : Mr.R.Jawahar

For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor,
or RR-1 and 2



H.C.P.No.583 of 2024

: Mr.S.Suresh, for R3

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ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

When the petitioner's husband/third respondent herein had retained the custody of her minor child aged about 4 years, she had given a complaint before the respondent Police in C.S.R.No.414/2023 and consequently, the present Habeas Corpus Petition is filed.

2. Pending the Habeas Corpus Petition, at the request of both the parties, the matter was referred to the District Mediation and Conciliation Center, Family Court, Tiruvannamalai. The District Mediation and Conciliation Center has submitted a report, dated 07.06.2024, wherein, it has been recorded that the third respondent herein had handed over the child to the petitioner and that the custody continues to be with the petitioner.

3. The learned Counsel for the third respondent, however, would submit that the petitioner was not present during the mediation proceedings and that her signature was obtained later and that no compromise was arrived. This aspect is however denied by the petitioner.



H.C.P.No.583 of 2024

WEB COPY

4. We do not intend to go into these disputed facts of the appearance of the parties. However, the report of the District Mediation and Conciliation Center also does not refer to any of the statements made by the third respondent. In the background of these facts and circumstances, we are of the affirmed view that the parties could be granted liberty to work out their remedies, touching upon the custody of their minor child before the concerned Family Court. At this juncture, the learned Counsel for the third respondent also submitted that the petitioner herein has preferred a Divorce Petition which is also pending before the concerned Family Court.

5. In the light of the above observations, this Habeas Corpus Petition stands closed with a liberty to the petitioner and the third respondent herein to redress their grievances before the concerned Family/Civil Court, with regard to the custody of their minor child. Till such time a final decision is taken in the petition that may be preferred by either of the parties for custody of the child, the interim custody of the minor child shall be with the petitioner herein and the third respondent herein would be at liberty to visit the minor child as and when required. In case, the concerned Court intends to pass any order touching upon the interim custody of the child, the



H.C.P.No.583 of 2024

WEB COPY

concerned Court shall be at liberty to pass any such order, without being influenced by the observations or the arrangements made with regard to the custody of the child in the present Habeas Corpus Petition.

[M.S.R., J] [S.M., J]
22.07.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
2. The Inspector of Police,
All Women Police Station,
Tiruvannamalai.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



H.C.P.No.583 of 2024

**M.S.RAMESH, J.
AND
SUNDER MOHAN, J.**

grs

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