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H.C.P.No.2092 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.2092 of 2023

R. Latha

... Petitioner

Vs.

1. The Commissioner of Police,
No.132, E.V.K. Sampath Road,
Vepery, Chennai 600 007.
2. Deputy Commissioner of Police,
Perambur, (K-5 Police Station Buildings),
Chennai.
3. Inspector of Police,
M-3, Puzhal Police Station,
Chennai-Kolkatta National Highways,
Puzhal (Near Puzhal Camp),
Chennai 600 066.

4. Sheik Afsar @ Karan

... Respondents



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Petition filed under Article 226 of the Constitution of India, praying to direct the 3rd respondent to produce the petitioner's daughter (women) R.Jayalakshmi aged about 27 years before this Court from the custody of the 4th respondent and set her at liberty.

For petitioner : Mr.B. Balamurugan

For R1 to R3 : Mr.E. Raj Thilak
Additional Public Prosecutor
Assisted by Mr.Aravind,C.

ORDER

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

The petitioner herein is the mother of one Jayalakshmi, who was married on 10.04.2017 to one Sriram. Out of wedlock, a male child was born to them on 14.09.2018, who is now studying in 1st Standard at Kalki Ranganathan School, Kolathur, Chennai. Thereafter, owing to certain matrimonial dispute, the petitioner's daughter and her husband had been separated for the past six years. According to the petitioner, her daughter was in relationship with the fourth respondent herein and on 12.09.2023, she had gone missing from her house. Her complaint in this regard made on



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14.09.2023 was registered in Crime No.610 of 2023 under the caption 'woman missing'. Since there was no adequate progress in the investigation, the present Habeas Corpus Petition is filed.

2. Pending HCP, we had summoned and interacted with the petitioner as well as her husband who are accompanied with their grand son. In the meantime, the respondent police have also secured the petitioner's daughter and produced her before us. Since the petitioner's daughter had claimed custody of her minor child, the petitioner and her husband also expressed their concern with regard to the custody being given to the petitioner's daughter who was in relationship with the fourth respondent herein, as well as any possible claim from the child's father, we have referred the parties to the Mediation Centre. Pursuant to the same, both the parties had amicably settled the dispute with regard to the custody of the minor child and the terms of settlement had been reduced to writing in the following manner.

"SETTLEMENT AGREEMENT"

*This SETTLEMENT AGREEMENT entered into on 03.01.2024
between*



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R.Latha, Female aged 45 years,
W/o.Ramesh,
No.30A / 62B, Thangavel Nagar, 1st Street,
Puthagaram, Chennai - 600 099.

... Petitioner

AND

R.Jayalakshmi, Female aged 27 years,
D/o.Ramesh,
33/62, Kanagi Nagar,
Anna Street, Kolathur, Chennai - 600 099.

... Detenu

WHEREAS

1. The petitioner Latha's daughter Jayalakshmi left the home on 12.09.2023 around 3.00 PM leaving behind her male child namely S.Dhiksheeth aged about 5 years and never came back.
2. The petitioner had preferred a written complaint on 14.09.2023 with the Inspector of Police, M-3, Puzhal Police Station, with the prayer to rescue her daughter Jayalakshmi. Subsequently the petitioner had filed a HCP before the Hon'ble High Court in HCP. No.2092 of 2023.
3. The petitioner's daughter Jayalakshmi had appeared before the Hon'ble Division Bench of Madras High Court on



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02.01.2024 and showed her willingness to settle the matter.

- 4. The Hon'ble Principal Bench of Madras High Court of Hon'ble Justice M.S.Ramesh and Justice Sundar Mohan vide an order dated 02.01.2024 had referred the matter to Mediation / Conciliation.*
- 5. The parties agreed that Mrs.V.Malathy would act as their Mediator / Conciliator.*
- 6. Several meetings were held during the process of Mediation / Conciliation from 02.01.2024 and 03.01.2024 and the parties have with the assistance of the Mediator / Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.*
- 7. 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.*
- 8. The following Settlement has been arrived at between the parties hereto :*



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- A) *Detenu Ms.Jayalakshmi agrees to give the custody of her child named S.Dhikseeth aged about 5 years to her parents Latha (Petitioner herein) and Ramesh.*
- B) *The Detenu will have the visiting rights of the child weekly once in the common place and the child will stay with the Detenu from 10.00 am to 04.00 pm on that particular day.*
- C) *The petitioner will hand over the belongings and certificates such as Aadhaar Card, ATM Card, Bank Passbook, Xerox Copy of child's birth certificate to the detenu.*
- D) *The detenu Ms.Jayalakshmi ready to bare the entire educational, medical and other expenses of the child.*
9. *By signing this Agreement the parties hereto state that they have no further claims or demands against each other with respect to HCP.No.2092 of 2023 and all disputes and differences in this regard have been amicably settle by the parties hereto through the process of Conciliation / Mediation.*



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DATE : 03.01.2024"

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3. In view of the amicable settlement, wherein the petitioner's daughter had agreed to hand over custody of her child to her parents and the petitioner as well as her husband have also agreed to permit their daughter to visit her child in their custody, no further orders are required in the present Habeas Corpus Petition. Recording the settlement dated 03.01.2024, this Habeas Corpus Petition stands closed.

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

04.01.2024

Index : Yes / No

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M.S.RAMESH, J.
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