



H.C.P(MD)No.219 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P(MD)No.219 of 2024

R.Bhavani ... Petitioner/Mother of the detenue

vs.

1.The Commissioner of Police,
Madurai District.

2.The Inspector of Police,
Sellur Police Station,
Madurai.

3.B.Senthil Kumar ... Respondents

PRAYER : Habeas Corpus Petition filed under Article 226 of the Constitution of India directing the respondents 1 and 2 to secure the petitioner's son Dheeraj Bharathi, aged about 9 years, son of Senthilkumar and produce before this Court and handover the custody to the petitioner.

For Petitioner : Mr.V.Pannee Selvam

For Respondent Nos.1 & 2 : Mr.S.Ravi
Additional Public Prosecutor

For Respondent No.3 : Mr.S.Sureshkumar

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ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner's son, who is a minor and aged about 9 years, has been illegally retained by the third respondent in violation of the order passed by the Family Court, Madurai. in I.A.No.179 of 2020. In this background, the present Habeas Corpus Petition has been filed.

2.Today, when the matter was taken up for hearing at 02.15 p.m., the respondent Police produced the detenue/minor child before this Court. We had a conversation with the minor child. He firmly refused to go along with his mother and even to spend some time. Hence, the matter is passed over and we referred the matter to the Mediation Centre and one Ms.P.Krishnaveni, Enrollment No.911/2002, 124, Law Chamber (Cell No. 9994609673) was appointed as a Mediator and the petitioner as well as minor child was permitted to interact in the presence of the Mediator.



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3. When the matter was taken up for hearing at 04.00 p.m., the Mediator informed that the interaction between the petitioner and the minor child was more than 20 minutes, but the minor child refused to go along with his mother.

4. In view of the above, we cannot decide the matrimonial issue in this petition.

5. Recording the statement made by the minor child, this Habeas Corpus Petition is closed. However, liberty is granted to the petitioner to approach the competent civil forum, if so advised, seeking appropriate remedy.

6. The petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the Mediator/Ms.P.Krishnaveni, today (14.02.2024) itself.

[D.K.K.,J.] [R.V.,J.]
14.02.2024

NCC : Yes / No
Index : Yes / No
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

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ORDER MADE IN
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