



H.C.P.(MD)No.1460 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD)No.1460 of 2024

Libni ... Petitioner / Mother of Detenue

Vs.

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

2.The Inspector of Police,
Pudukkadam Police Station,
Kanyakumari District.

3. Alex Lio ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the 2nd respondent to produce the person or body of the petitioner's daughter namely, 1)Ancy Lidya, C/o.Libni aged about 3 ½ years and 2) Aylin Lara, C/o.Libni aged about 1 ½ years and produce before this Court and entrust the custody.



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For Petitioner : Mr.K.Sivabalan,
For M/s.Aran Legal Consultancy.

For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1 & R2.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

The mother of the minor children is the petitioner before us. On 02.12.2024, we passed the following order:-

“When the matter was taken up at 2.15 PM, the learned counsel on either side informed that mediation process is still going on.

It is open to the parties to arrive at any appropriate arrangement in the mediation, subject to any understanding that may be arrived at during the course of the day in the Mediation.

We direct that the elder child shall be with the father, while the younger child shall be with the mother.

Call on 09.12.2024.”

2.The matter was referred to mediation. The petitioner has agreed to rejoin her husband after three months.



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3.At present, the younger child is with the mother while the elder is with the father. We are of the view that this interim arrangement need not be varied. The interim order passed on 02.12.2024 is made absolute.

4.This habeas corpus petition is disposed of accordingly.

(G.R.S. J.) & (R.P. J.)
09.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.
- 2.The Inspector of Police,
Pudukkadai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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