



WEB COPY



HCP.No.235 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

H.C.P.No.235 of 2025

SUDHA

Petitioner(s)

Vs.

1.The Superintendent of Police,
Kallakurichi District.

2.The Inspector of Police,
All Women Police Station,
Thirukovilur,
Kallakurichi District.

3.Elumalai

...Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the respondents 1 and 2 herein to produce the petitioner's minor daughter Gunamahima, S/o. Elumalai, aged about 4 years from the illegal custody of 3rd respondent and produce the minor child girl before this Court and hand over her to the petitioner.



WEB COPY



HCP.No.235 of 2025

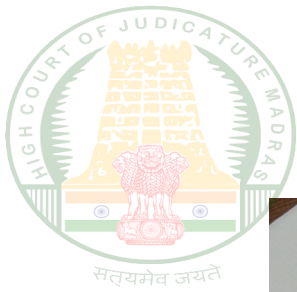
For Petitioner : Mr.T.Balachandran
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John
for R1 and R2
Ms.R.Swathi for R3

ORDER

(Order of this Court was made by M.S.RAMESH.J.)

In this Habeas Corpus Petition, the mother of a 2 ½ years minor girl, seeks for securing her child from the third respondent / husband of the petitioner and handing over the child to her care and protection.

2. Earlier, on the request of the parties, both were referred to mediation and the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras has filed a mediation report dated 03.03.2025. It is also seen that both the parties have mutually entered into an agreement and the terms which are as follows:

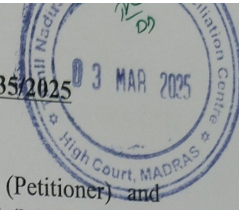


WEB COPY



HCP.No.235 of 2025

Agreement Entered between parties in HCP No. 235 of 2025



This Agreement is between Mrs. Sudha, W/o. Elumalai (Petitioner) and Elumalai, S/o. Mari (3rd Respondent) and Mrs. Veera Marthini (Mediator). The purpose of this agreement is to resolve the dispute which arose in the Habeas Corpus Petition, HCP No. 235 of 2025, using a neutral mediator. Both the parties have agreed to the Mediator, Mrs. Veera Marthini, to assist them in the settlement of their dispute with both the counsels present and the following provisions have been arrived at. The 3rd Respondent stipulates to hand over child to the Petitioner, provided that a strict adherence to the provisions is complied with.

Provisions of the Agreement:

1. The 3rd Respondent, father of the child, shall be permitted to have visitation rights and shall have custody of the child named Gunamahima aged about 4 ½ years for one day (i.e. 24 hours) per week, not less than 3 days per month.
2. The 3rd Respondent shall be permitted to have visitation rights on festivals, special days such as birthdays or any other special occasions subject to the prior mutual agreement of both the parties.
3. The 3rd Respondent shall pick the child and drop her back for the visitation day at a stipulated public place such as temples which may be decided on the day of visitation.
4. The 3rd Respondent shall be permitted to pay for the educational, medical or any such expenses that might arise in the future pertaining to the well-being of the child. Provided that the Petitioner, mother of the child, takes utmost care of the child, her health and her education.
5. In case of any emergency relating to the child, viz-a-viz. her health, education or any other aspect, the Petitioner shall bring it to the notice of the 3rd Respondent without any delay or prejudice.

6. Respondent 1 and 2 are formal parties. In witness thereof, the above-mentioned conditions are agreed by the parties, i.e., the Petitioner and 3rd Respondent, in respect to the Habeas Corpus Petition, HCP No. 235 of 2025. The parties reserve their rights to decide the matrimonial and other related disputes in the appropriate forum as and when they arise.

DATE: 03/03/2025

PETITIONER

P. Sudha L. 03/03/2025

3rd RESPONDENT

Elumalai 03/03/25

COUNSEL FOR PETITIONER

03/03/25

COUNSEL FOR 3rd RESPONDENT

03/03/25



HCP.No.235 of 2025

3. Today, both the petitioner, as well as the third respondent along with their child were present before this Court and the minor child was also handed over to the petitioner.

4. In view of the above compromise entered into between the parties, this Habeas Corpus Petition stands closed.

[M.S.R., J] [N.S., J]
05.03.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No
Anu

To

1.The Superintendent of Police,
Kallakurichi District.

2.The Inspector of Police,
All Women Police Station,
Thirukovilur,
Kallakurichi District.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



HCP.No.235 of 2025

M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.
Anu

H.C.P.No.235 of 2025

05.03.2025