



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.04.2017

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

H.C.P.(MD)No.434 of 2017

Senthil Arasi @ Suganya

... Petitioner

Vs.

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

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

3.Pappammal

... Respondents

PRAYER: The Petition filed under Article 226 of Constitution of India, directing the respondents 1 and 2 to produce the children or body of the detenues namely, Vairaprakash son of late Muthu age about 6 years and Suparna Devi daughter of late Muthu aged about 2 years old before this Court and set them at liberty.

For Petitioner : Mr.A.John Stephen

For Respondents : Mr.T.Mohan, A.P.P.for R1 and R2

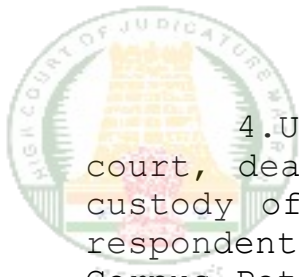
ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J.**)

The petitioner is the mother of the minor detenues namely, Vairaprakash and Suparna Devi. According to the petitioner, she has not been allowed to see her minor children by the 3rd respondent, who is the mother-in-law.

2.The petitioner is an accused in a murder case, alleging that she had murdered her husband.

3.We have enquired the petitioner, minor children particularly, elder child, namely, Vairaprakash and the 3rd respondent. The said Vairaprakash appears to be a clear thinking boy, however, he was unable to take decision as to whether he wants to go along with the petitioner or with the 3rd respondent. But, he stated that he and his sister are very happy with the 3rd respondent, who is the paternal grandmother.



4. Unless and until the matter is examined by a competent court, dealing with such matter, the question of handing over the custody of the minor children either to the petitioner or the 3rd respondent, cannot be decided by this Court that too in a Habeas Corpus Petition.

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5. Therefore, it is always open to the petitioner to make a request to the 3rd respondent to see the children and the interest of the children is paramount and hence, the petitioner cannot compel the children. It is open to the petitioner to exercise her right before the appropriate forum to meet the children or the custody with her. The petitioner should bear in mind that she is now on bail and also signing before the concerned Police on a daily basis. If any other rash actions initiated by her, it may result in other criminal proceedings, which the petitioner should be well advised to avoid.

6. With the above observations, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai District.

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

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No. 434 of 2017
05.04.2017

NBJ

KK/RSK/SAR3/16.05.2017-2P-4C