

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.07.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

H.C.P. NO.1044 OF 2018

Paras K Soni Aashirvad

.. Petitioner

- Vs -

1.The Inspector of Police,
B-4, Race Course Police Station,
Coimbatore District.

2.Phalguni Amreesh Soni

.. Respondent

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the first respondent to produce the minor girl Venni D/o.Amreesh Kanakainh Soni aged 12 years before this Court and handover to the petitioner.

For Petitioner : Mr.G.Jermiah

For Respondents: Mr. R.Prathap Kumar, APP for R1

ORDER

(DELIVERED BY DR. S.VIMALA, J.)

This petition has been filed by the paternal uncle of the detinue seeking production of his brother's daughter, Venni, D/o.Amreesh Kanakainh Soni, aged about 12 years.

2. Today, the detinue is present along with her mother (the second respondent) and the petitioner is also present.

3. This Court enquired the petitioner, second respondent as well as the detinue.

4. The petitioner submitted that after the death of his brother, he noticed some turbulence in the behaviour of the second respondent and that there had been visible changes indicative of mental capacity of the second respondent, having been affected. The behaviour changes were found to be

disadvantageous to the interest of the minor child/detenué. The petitioner submitted that it is easy for the detenué to get along with his daughter and in the event of caring and sharing taking place between both of them, it would reduce the mental agony of the second respondent and in turn, it would help her to come up in her life. In such circumstances, the petitioner seeks visiting rights to see the detenué.

5. The detenué submitted that after the death of her father, she is residing along with her mother. She further submitted that she is also comfortable in the company of the daughter of the petitioner, who is also of the same age as that of the detenué.

6. The second respondent submitted that she has no objection for granting visitation rights to the petitioner along with his daughter to visit the detenué, which is for the interest of the detenué, but that she would not like to part with the custody of the daughter.

6.1. The custody issue cannot be decided by this Court and this Court is only concerned with granting limited interim protection to the extent of erasing the feeling of illegal detention.

7. Considering the entire factual matrix and keeping in mind the interest of the detenué as also the other stakeholders, this Court feels it proper to give visiting rights to the second respondent and his daughter to see the detenué on Saturday and Sunday every week at a time convenient to both the parties at the residence of the mother of the detenué, where the detenué is living. For this arrangement, the second respondent has no objection.

8. With the above observations and directions, this habeas corpus petition is closed.

Sd/-
Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

ia/ogy

To:

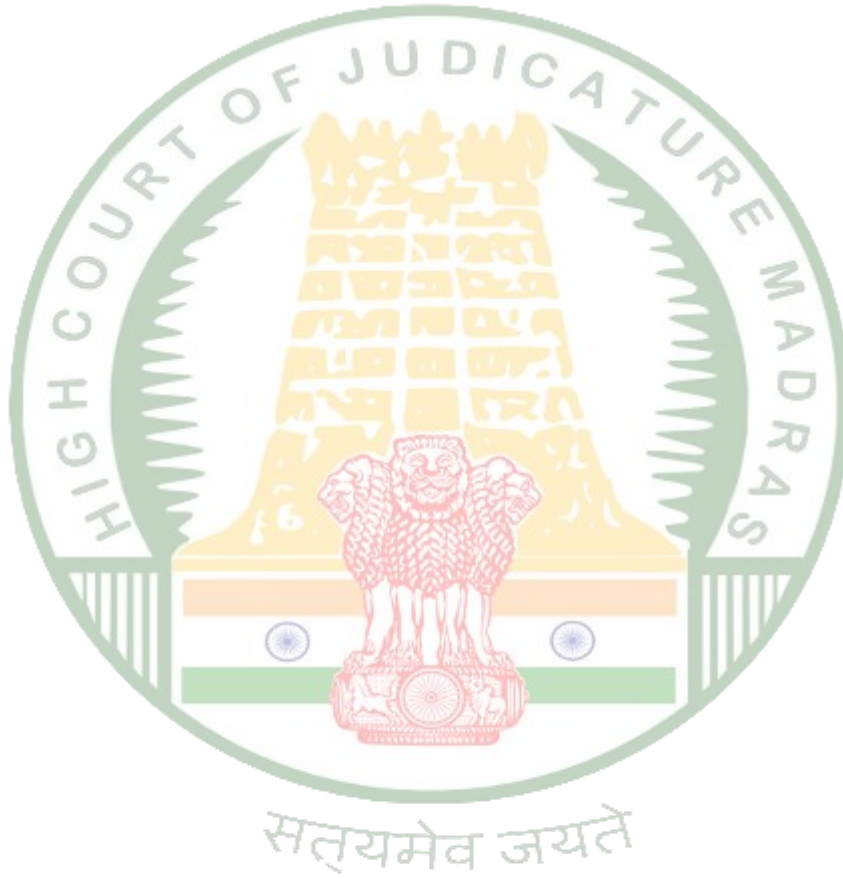
1. The Inspector of Police,
B-4, Race Course Police Station,
Coimbatore District.

2. The Public Prosecutor,
High Court, Madras,
Chennai - 104.

+1cc to Mr.B.Nambiselvan, Advocate SR.No.46921

H.C.P. NO.1044 of 2018

GN(29/08/2018)



WEB COPY