

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2018

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER  
AND  
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.1941 of 2017

Mr.Velu

... Petitioner

Vs.

1. The Superintendent of Police,  
Thiruvannamalai District.
2. The Deputy Superintendent of Police,  
Arni Town,  
Thiruvannamalai District.
3. The Inspector of Police,  
All Women Police Station,  
Arni, Thiruvannamalai District.
4. The Inspector of Police,  
Arni Town Police Station,  
Thiruvannamalai District.
5. Mr.Swaminathan
6. Ms.Shanthi
7. Ms.Valli

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records in CSR.No.155 of 2016 dated 03.06.2016 on the file of the third respondent and direct the respondents herein to produce the petitioner's minor daughters V.Sandhiya, aged about 8 ½ years and V.Vishnu Priya, aged about 7 ½ years, whos is in the illegal custody of 5<sup>th</sup> to 7<sup>th</sup> respondents and hand over to the petitioner.

For Petitioner : Mr.B.S.Ramesh

For Respondents : Mr.V.M.R.Rajentran  
Additional Public Prosecutor for R1 to R4

R-5 No appearance

Mr.R.Agilesh - R.6

#### O R D E R

(Order of the Court was made by RAJIV SHAKDHER, J)

1. On the date of hearing on 24.10.2017, we directed the presence of respondent nos. 5 to 7 along with minor detenues, i.e., Ms.V.Sandhiya and Ms.V.Vishnu Priya. While the grand mother, i.e., Ms.Shanthi/respondent no.6 is present in Court, respondent nos.5 and 7 are not present. Respondent no.5 is the husband of respondent no.6, while respondent no.7 is the daughter of respondent nos.5 and 6. The two minor detenues i.e., Ms.V.Sandhiya and Ms.V.Vishnu Priya have been brought to the Court. We have interacted with minor detenues Ms.V.Sandhiya and Ms.V.Vishnu Priya. We have also interacted with the petitioner, who is present in Court. Ms.V.Sandhiya, who is aged about 8 ½ years, has expressed very clearly that she and her sister would like to remain in the company of their grand mother, i.e., Ms.Shanthi/respondent no.6. Ms.V.Sandhiya is conversant with English language and her articulation, as indicated above, was clear and cogent, as regards her desire to remain with their grand mother.

2. In so far as the petitioner, who is the father of the detenues Ms.V.Sandhiya and Ms.V.Vishnu Priya is concerned, he is facing prosecution under section 306 of the IPC, for alleged abetment of suicide committed by his wife. It is our assessment that the petitioner, at this stage, cannot look after the girl children. In any event, the children have declined to accompany their father, i.e., the petitioner.

2.1. Having said so, in our view, some amount of calibrated interaction may help the children to develop a bond with the father, i.e., the petitioner. The petitioner is also keen on providing maintenance for the children. The petitioner says that, he will pay the respondent no.6 a sum of Rs.4000/- per month towards maintenance of the children. Respondent no.6 has indicated to us, that, if the petitioner wishes to visit the children at her house, she would have no objection to the same.

3. Thus having regard to the aforementioned submissions and circumstances the following is ordered:

[i] The petitioner will pay a sum of Rs.4000/- every month, on or before 7<sup>th</sup> of each calendar month, to respondent no.6/Ms.Shanthi for maintenance of two minor detenues, i.e., Ms.V.Sandhiya and Ms.V.Vishnu Priya.

[ii] Respondent no.6/Ms.Shanthi will grant access to the petitioner to interact with the children.

[iii] The petitioner will, however, not force an interaction, in case, on given any day, the children do not wish to interact with the petitioner.

[iv] The aforementioned arrangement will be continue till orders are passed to the contrary by an appropriate Court, having regard to the best interest of the children.

4. With the aforementioned directions, this petition is disposed of.

Assistant Registrar  
Dt.25.1.18

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,  
Thiruvannamalai District.
2. The Deputy Superintendent of Police,  
Arni Town, Thiruvannamalai District.
3. The Inspector of Police,  
All Women Police Station,  
Arni, Thiruvannamalai District.
4. The Inspector of Police,  
Arni Town Police Station,  
Thiruvannamalai District.
5. The Public Prosecutor,  
High Court, Madras.

+1 cc to M/s.S.Silambuselvan, advocate, sr.972  
sr(co)

krd 01/02/2018

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