



H.C.P.No.496 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 31..10..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

Habeas Corpus Petition No.496 of 2022

C.Vikraman

..... Petitioner

-Versus-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruvarur District.

2.The Inspector of Police,
Mannargudi Town Police Station,
Tiruvarur District.

3.C.Deventharan

.... Respondent

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the petitioner's three minor children, namely, (1) Vinoseelan, aged 11 years, (2) Dhanushka, aged about 9 years and (3) Dharsika, aged about 7 years, before this court and handover their custody to the petitioner.



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For Petitioner : Mr.K.Pragadeesh Kumar

*For Respondent(s) : Mr.R.Muniyapparaj,
Additional. Public Prosecutor*

ORDER

This Habeas Corpus Petition has been filed seeking a direction to the respondents 1 and 2 to produce the person or body of the petitioner's three minor children, namely, (1) Vinoseelan, aged 11 years, (2) Dhanushka, aged about 9 years and (3) Dharsika, aged about 7 years, before this court and handover their custody to the petitioner.

2. It is the case of the petitioner that he got married to D.Vimala on 05.09.2010 and through the wedlock, he has three children namely, (1) Vinoseelan, aged 11 years, (2) Dhanushka, aged about 9 years and (3) Dharsika, aged about 7 years. The two elder children were studying in S.B.A. Matriculation Higher Secondary School at Mannargudi Town. Unfortunately, adversity struck the family on 06.04.2019 when Vimala committed suicide by hanging. In connection with that, a case in Orathanad Police Station Crime No.101 of 2019 was registered u/s 174 Cr.P.C. on 07.04.2019. However, the family members of Vimala alleged that the petitioner was responsible for the death of Vimala and retained his three



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children with them without providing any access to him. Therefore, the petitioner has filed the present Habeas Corpus Petition.

3. Today, Mr.K.Chandrakasan, Sub-Inspector of Police, Mannargudi Town Police Station; petitioner; the 3rd respondent; Prema, the daughter of the 3rd respondent; and the three children of the petitioner, are present before us.

4. Ms.S.Senkodi has entered appearance for the 3rd respondent.

5. We directed the petitioner and the children to be together in the mediation room for some time. But, the children appear to be scarred. Perhaps because they must have been tutored.

6. Be that as it may, the petitioner, being the father of the children, cannot be denied his rights. When we suggested to both sides as to whether the petitioner could be given some visitation rights, Ms.S.Senkodi, learned counsel for the 3rd respondent fairly agreed and stated that the petitioner can come in the week end and spend time with his children.

7. Recording the same, we grant permission to the petitioner to go to the house of the 3rd respondent on every Saturday, take the children and spend time with them and drop them back on the ensuing Sunday at 05.00



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p.m. as the village of the 3rd respondent is hardly 12 kms from the village of the petitioner. The petitioner cannot retain the children beyond the aforesaid time. If any problem arises in the implementation of the order of this court, the parties can approach the Inspector of Police, Mannargudi Town Police Station, Thiruvarur District, for help. This is purely an interim arrangement and it is open to the parties to approach the appropriate court seeking guardianship of the children in the manner known to law. In such an event, the appropriate court may pass any order including any interim order of visitation rights dehors the visitation rights given in this order.

In the result, this Habeas Corpus Petition is closed, however, with the above directions.

[P.N.P., J.] [TKR., J.]
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Index: Yes/No
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To

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- 1.The Superintendent of Police, Office of the Superintendent of Police,
Tiruvarur District.
- 2.The Inspector of Police, Mannargudi Town Police Station,
Tiruvarur District.
- 3.The Public Prosecutor, High Court, Madras.



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