



W.P.Crl.(MD) No.4586 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA  
and  
THE HONOURABLE MR.JUSTICE B.MURUGESAN

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V.Parimala

... Petitioner

-vs-

1.The State of Tamil Nadu  
rep.by the Superintendent of Police  
Trichy District, Trichy

2.The State of Tamil Nadu  
rep.by the Deputy Superintendent of Police  
Singapen Special Force  
Trichy

3.The Chairman  
Child Welfare Committee  
Trichy District

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the third respondent to pass an order to give custody of my minor daughter XXXX, daughter of Venkatesh, aged about 17



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years, to the petitioner in view of Section 40(3) of the Juvenile Justice (Care and Protection of Children) Act, 2016, by considering her representation dated 06.08.2026.

For Petitioner : Mr.B.Ramnath

For Respondents : Mr.D.Venkatesh  
Counsel for State of Tamil Nadu (CrL.Side)

**ORDER**

**[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]**

Mr.D.Venkatesh, learned counsel for State of Tamil Nadu (Criminal Side), takes notice for the respondents.

**2.** With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

**3.** This writ petition has been filed seeking a writ of mandamus directing the third respondent to pass orders on the representation dated 06.08.2026 submitted by the petitioner seeking custody of her minor daughter under Section 40(3) of the Juvenile Justice (Care and Protection of Children) Act, 2016.



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4. Today, when the matter is taken up for hearing, learned counsel for the State of Tamil Nadu (Criminal Side), on instructions, submitted that the petitioner is the mother of the minor victim girl aged about 17 years. She is aware that her daughter fell in love with her relative Balasubramanian and the minor victim girl was staying in the house of the said Balasubramanian and attending the School. In the said circumstance, the younger brother of the minor victim girl, gave an information to the second respondent that his elder sister has been taken by his relative Balasubramanian. Based on the said information, the second respondent secured the minor girl from the custody of the said Balasubramanian and handed over her custody to the Child Welfare Committee / third respondent herein. Pursuant to the direction issued by the third respondent, who is the statutory authority, the minor girl has now been kept in T.M.S.S.Home at Trichy. He would further submit that based on the complaint given by the petitioner, a case in Crime No.33 of 2026 has also been registered against the said Balasubramanian for the offence under Sections 3(a) and 4(2) of the Protection of Children from Sexual Offences Act, 2012, and investigation of the said case is pending. He would further submit that in terms of Section 40(3) of the Juvenile Justice (Care and Protection of Children) Act, 2016, the third respondent is the competent authority to pass orders handing over the



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custody of the minor children to their parents and therefore, the third respondent, before whom the petitioner's representation seeking custody of her minor daughter is pending consideration, may be directed to pass orders in accordance with law.

**5.** Heard the learned counsel for the petitioner and learned counsel for State of Tamil Nadu (Criminal Side) appearing for the respondents.

**6.** A perusal of the materials available on record shows that the petitioner's daughter is a minor girl and she has been taken by her relative Balasubramanian and based on the information given by the younger brother of the minor girl, she was secured from the custody of the said Balasubramanian and she was produced before the third respondent and pursuant to the directions issued by the third respondent, the petitioner's minor daughter has been sent to a Home. Section 40(3) of the Juvenile Justice (Care and Protection of Children) Act, 2016, empowers the Child Welfare Committee to restore any child, who is in need of care and protection, to his parents, guardian or fit person, as the case may be, after determining the suitability of the parents or guardian or fit person to take care of the child, and give them suitable directions. In such circumstances, the third



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respondent herein is the statutory authority to pass orders on the representation submitted by the petitioner seeking custody of her minor daughter. Therefore, this Court is inclined to issue a direction to the third respondent to pass orders on the representation submitted by the petitioner.

**7.** Accordingly, this writ petition is disposed of directing the third respondent to consider the representation dated 06.08.2026 submitted by the petitioner seeking custody of her minor daughter, and pass orders thereon on merits and in accordance with law, as expeditiously as possible. No costs.

**[A.D.J.C., J.]      [B.M., J.]**  
**13.08.2026**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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To:

- 1.The Superintendent of Police,  
Trichy District, Trichy.
- 2.The Deputy Superintendent of Police,  
Singapen Special Force, Trichy.
- 3.The Chairman,  
Child Welfare Committee,  
Trichy District.



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**A.D.JAGADISH CHANDIRA, J.**  
**AND**  
**B.MURUGESAN, J.**

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