

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MRS.JUSTICE ARUNA JAGADEESAN

H.C.P.No.339 of 2015

M.Haseena

.. Petitioner

versus

1.The Commissioner of Police,
Office of the Commissioner of Police,
Egmore, Chennai.

2.The Inspector of Police,
Neelankarai Police Station,
Neelankarai, Chennai.

3.Kurshith Basha
Pattinathamman Koil Street,
Periya Pilery, Thaiyur,
Kelambakkam, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution for the issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body of the daughters of the petitioner, namely, M.Faiz Fathima, aged 16 years and M.Annies Fathima, aged 12 years and set her at liberty.

For petitioner

:

Mr.S.Meenakshi

For respondents 1 to 3

:

Mr.A.N.Thami Durai
Additional Public Prosecutor

O R D E R

S. MANIKUMAR, J.

Detailed orders were passed on 18.02.2015, setting out the facts of the case and this Court also issued directions to ascertain the possibility of continuing the education of the alleged detainees and suitable accommodation.

2. On 06.03.2013, we were appraised of the fact that both the minor children were accommodated in Dhanalakshmi Srinivasan

Polytechnic, Perambalur and Anwarul Muslimeen Jamia Jannathu Niswan, Vadakku Mathavi Road, Perambalur, respectively. Fees has been paid by the mother, as assured.

3. Today, there is no representation, on behalf of the petitioner. Even the petitioner has not turned up.

4. Inviting the attention of this Court to an interim report, dated 20.03.2015, filed by Mr.M.S.Bhaskar, Inspector of Police, Neelankarai, Mr.A.N.Thambidurai, learned Additional Public Prosecutor, submitted that on the basis of the report of the Child Welfare Committee, Chengalpattu, Kancheepuram District, in Lr.No.55/2015, dated 13.02.2015, a preliminary enquiry has been conducted and thereafter, a case in Cr.No.820 of 2015, under Sections 8, 17 and 21 of POSCO Act, r/w. Section 23 of the Juvenile Justice Act, has been registered on the file of J-8, Neelankarai Police Station and that the investigation is in progress. Learned Additional Public Prosuector further submitted that the alleged detainees do not wish to go with the petitioner/mother.

5. When the minors were enquired in the Chambers on 09.02.2015, they denied the allegation, made against the 3rd respondent. Now that the Inspector of Police, Neelankarai, has registered a case in Cr.No.820 of 2015. Inasmuch as the allegation of illegal detention by the private respondent, has been specifically denied, by both the minor children and since they are now continuing their education, and also accommodated in hostels, the question of issuance of writ of habeas corpus, does not arise.

6. Throughout the course of hearing of the present Writ of Habeas Corpus, Mr.M.S.Basker, Inspector of Police, Neelankarai Police Station, and Mr.H.S.M.Sakkof, Sub-Inspector of Police, Neelankarai Police Station, have duly assisted this Court, in taking prompt and effective steps, in implementing the directions of this Court, considering the welfare of the children, in the matter of pursuing their education in Dhanalakshmi Srinivasan Polytechnic, Perambalur and Anwarul Muslimeen Jamia Jannathu Niswan, Vadakku Mathavi Road, Perambalur, respectively.

7. We place on record, our appreciation for the work done by Mr.M.S.Basker, Inspector of Police, Neelankarai Police Station and Mr.H.S.M.Sakkof, Sub-Inspector of Police, Neelankarai Police Station.

8. As on today, the term fee, special fee, tuition fee and hostel fee for both the children have been paid by the petitioner-mother, details of which, have already been recorded in the earlier order, dated 06.03.2015. We sincerely hope and believe that the petitioner would continue to pay the abovesaid fees, for the rest of the course in Dhanalakshmi Srinivasan Polytechnic, Perambalur and Anwarul Muslimeen Jamia Jannathu Niswan, Vadakku Mathavi Road, Perambalur, respectively, till the completion of the study. But,

in the event of the petitioner, not extending financial support, we request Ms.Bader Sayeed, President of Roshni Society, Guduvancherry, Kancheepuram District, to extend the financial support to children's basic amenities, education and such other incidental expenses, to be incurred by the children.

9. Registry is directed to issue a copy of this order to Ms.Bader Sayeed, President of Roshni Society, Guduvancherry, Kancheepuram District.

10. Report of the Child Welfare Committee, received in Sealed Cover, perused by us, shall be in the custody of the Registrar Judicial, High Court, Madras.

11. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

skm
To

1.The Commissioner of Police,
Office of the Commissioner of Police,
Egmore, Chennai.

2.The Inspector of Police,
Neelankarai Police Station,
Neelankarai, Chennai.

3.The Additional Public Prosecutor,
High Court, Madras.

4.Mrs.Bader Sayeed,
No.IIIA, High Court Chambers,
High Court, Madras.

1 cc to Mr.S.Meenakshi ,Advocate, SR.No.16181

H.C.P.No.339 of 2015

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pmk.16.4.2015