

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2015

CORAM:

The Hon'ble Mr.Justice S.MANIKUMAR
and
The Hon'ble Mrs.Justice ARUNA JAGADEESAN

H.C.P. No.3344 of 2014

Smt.Kavitha .. Petitioner/Mother of the detenue
vs.

1. The Superintendent of police,
O/o. The Superintendent of Police,
Tiruvannamalai District.
2. The Inspector of Police,
Melchengam Police Station,
Chengam Taluk, Tiruvannamalai District.
3. The Sub Inspector of Police,
Melchengam Police Station,
Chengam Taluk, Tiruvannamalai District.
4. Thiru.G.Satish
5. Thiru Ganesan .. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondents Police 1 to 3 to produce the detenue by namely minor P.Gnanamani, who is aged about 17 years, before this Court and set her liberty.

For petitioner : Mr.M.V.Muralidaran
For respondents : Mr.A.N.Thambidurai, (for R1 to R3)
Additional Public Prosecutor.

O R D E R

Based on the Birth Certificate dated 15.09.2011, obtained from the Municipal Commissioner, Tiruvannammalai, mother has claimed that the alleged detenue P.Gnanamani was born on 06.04.1997 and that she is a minor, she has alleged illegal detention by the 4th respondent. Case in Cr.No.147 of 2014 has been registered on 23.10.2014, under the caption 'woman missing'. The petitioner has sought for issuance of a writ of Habeas Corpus.

2. Alleged detainee is produced before this Court. According to her, she is a major. In support of her claim, she has produced transfer certificate issued by Government High School, Melchengam, Tiruvannamalai, wherein her date of birth is shown as 03.06.1996.

3. It is well known that at the time of admission in the school, both at the elementary and secondary level, parents as well as students have to make a declaration of date of birth of the student. In the case on hand, Palani, father of the alleged detainee has furnished the date of birth, and also made a declaration in the transfer certificate by affixing his signature.

4. On 09.02.2015, when the matter came up for hearing the alleged detainee submitted that she was not willing to go with her mother. Alleged detainee is a II Yr student of B.Sc. Botany in Government Arts College, Tiruvannamalai. As mother/petitioner was very much concerned about the continuation of education, on 09.02.2015, we directed the learned Additional Public Prosecutor to ascertain as to whether there is any hostel attached to Government Arts College to ensure continuation of education of the alleged detainee, in the college.

5. Reverting to the same on 13.02.2015 on the basis of a letter in R.C.No.2/536/2014 dated 12.02.2015, learned Additional Public Prosecutor submitted that the alleged detainee P.Gnanamani has been admitted in Government Hostel for Women and College Students of Backward Classes, Tiruvannamalai and that she is continuing her education (II Yr. B.Sc. Botany) in Government Arts College, Tiruvannamalai.

6. There is a dispute over the date of birth. Police is yet to submit a final report to the Court of competent jurisdiction. Detainee denies alleged detention. The petitioner was also concerned of continuation of education. As on today, the alleged detainee is continuing her education (II Yr. B.Sc. Botany) in Government Arts College, Tiruvannamalai, and she stays in the abovesaid hostel.

7. As detention is denied, this Court is not inclined to proceed further. However, after investigation, it is open to the Inspector of Police, Melchengam Police Station, Chengam Taluk, Tiruvannamalai District, to submit a report to the Court of competent jurisdiction.

8. With the above directions, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar
Dated:25.2.15

True Copy

Sub Assistant Registrar

To

1. The Superintendent of police,
O/o. The Superintendent of Police,
Tiruvannamalai District.
 2. The Inspector of Police,
Melchengam Police Station,
Chengam Taluk, Tiruvannamalai District.
 3. The Sub Inspector of Police,
Melchengam Police Station,
Chengam Taluk, Tiruvannamalai District.
 4. The Public Prosecutor,
High Court, Madras.
- +1 cc to M/s.M.V.Muralidaran, Advocate,SR.8510.

rsi(co)
krd 5/3

HCP No.3344 of 2014



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