



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.1609 of 2015

K.Mahalakshmi

.. Petitioner

Vs.

1. The Commissioner of Police,
Madurai - 625 001.

2. The Inspector of Police L & O),
Thallakulam Police Station,
Madurai.

3.H.Kaleel

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents to produce the body or person of the petitioner's daughter namely Abitha Kujalambal D/o.Kannan, aged about 15 years, who is in the custody of the third respondent and hand over to the petitioner.

For petitioner : Mr.M.Erulappa Raja

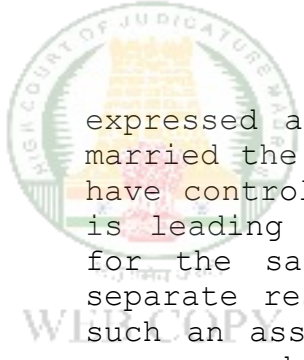
For respondents 1 & 2 : Mr.R.Ramachandran,
Additional Public Prosecutor

ORDER

(Order of the Court was made by P.R.SHIVAKUMAR, J)

Complaining that Abitha Kujalambal, aged about 15 years, was found missing and expressing suspicion that she could have been abducted by the third respondent, Mrs.K.Mahalakshmi, the mother of minor Abitha Kujalambal, has filed this Habeas Corpus Petition, after lodging a complaint with the second respondent. The second respondent, after registering a case in Crime No.1317 of 2015 under Sections 366, 147 and 506(i) IPC, seems to have found minor Abitha Kujalambal with the third respondent herein, who, according to the second respondent, appears to be a person below the age of 18 years. Accordingly, the third respondent is going to be produced before the Juvenile Justice Board, Madurai, by the second respondent.

2.Minor Abitha Kujalambal has been produced before this court. She expresses her desire to go with her mother viz., the petitioner herein. From the statements of minor Abitha Kujalambal and that of the petitioner given before us, it is obvious that Kannan, the biological father of minor Abitha Kujalambal, contracted a second marriage and he has got no connection either with the petitioner or with minor Abitha Kujalambal for more than a decade. However, minor Abitha Kujalambal



expressed a reservation that one Sulthan Alaudeen, who is said to have married the petitioner, will be harassing her, if he is also permitted to have control over her. The petitioner Mahalakshmi, though admits that she is leading a life with the said person, submits before this Court that for the sake of minor Abitha Kujalambal, she is prepared to have a separate residence and bar the access of the said Sulthan Alaudeen. On such an assurance coming from the petitioner, minor Abitha Kujalambal expresses her readiness to go with her mother, who is the only natural guardian prepared to give care and protection. Accordingly, custody of the minor Abitha Kujalambal is entrusted to the petitioner, Mahalakshmi.

3. The Chairman of the District Child Welfare Committee shall make arrangements for periodical visits and take further action, if necessary, according to law. The investigation of the criminal case shall be proceeded with.

4. With the above direction, the Habeas Corpus Petition is disposed of.

Sd/-
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai - 625 001.
2. The Inspector of Police L & O),
Thallakulam Police Station,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Chairman,
District Child Welfare Committee,
Madurai.

Order Made in
H.C.P (MD) No.1609 of 2015
25.11.2015

gcg
SH/AAL-MPA:10.12.2015:2P/5C