

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1179 of 2016

M.Sharjath Begum ...Petitioner/Mother of the detenue
vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
T-15, Porur Police Station,
Porur, Chennai.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus, directing the respondents to produce the body of the petitioner's daughter Rifaya aged 17 years before this Court and hand over to the petitioner.

For Petitioner : Mr.J.Karthik
For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor

O R D E R

[Order of the Court was made by S.Nagamuthu,J.]

The petitioner is the mother of one Rifaya, aged 17 years. Her date of birth is 01.08.1998. On the allegation that she has been kidnapped by one Karthik, the petitioner has come up with this Habeas Corpus Petition.

2. Today, when the matter was taken up, the detenue was produced by the second respondent. The petitioner also made appearance. When we enquired, the detenue told us that she was not kidnapped by Karthik and as a matter of fact, on her own volition, she came down to Chennai and she has been residing in Sri Kali Deluxe Ladies Hostel, Arcot Road, Porur.

3. The Inspector of Police would also state that there is no truth in the allegation that the detainee was kidnapped by Karthik. He would further state that the detainee was only in the said hostel.

4. The detainee further told us that she would like to be in the hostel and to continue her education. So far as safety aspect is concerned, she would state that she is very safe in the hostel and she is helped by her friend Priya. She is not willing to go with her mother.

5. In our considered view, sending her to the Government home may be a disturbance to her education. Having regard to the fact that she is completing 18 years as on 31.07.2016 and considering the larger interest of the detainee, we allow the detainee to be in the very same hostel, until she attains majority and thereafter, she can decide about her future according to her own volition.

The Habeas Corpus Petition is disposed of accordingly.
svki

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
- 2.The Inspector of Police,
T-15, Porur Police Station,
Porur, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

ca(co)
prk31/8

H.C.P.No.1179 of 2016