

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.NO.1954 OF 2016

M.Somappa

.. Petitioner

Vs.

1.The Inspector of Police
Hudco Police Station
Hosur,
Krishnagiri District.

2.Narendra Nambikkai Natchatram
Orphanage Home for Children
Hosur,
Krishnagiri District - 635 109.

3.The Superintendent of Police
Krishnagiri District,
Krishnagiri.

4.The Assistant Superintendent of Police
Hosur Taluk,
Krishnagiri District.

5.Prakash

(Respondents 3 to 5 impleaded as per
order of this Court dated 14.09.2016
in CrI.M.P.No.9768 of 2016 in
HCP No.1954 of 2016)

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondents to handover the petitioner's daughter viz., Ms.Nandini to the petitioner forthwith to enable the petitioner taken care of his daughter who is in the advanced stage of pregnancy, who is presently kept in the 2nd respondent's home as per the directions of this Court passed in HCP No.911 of 2016 dated 28.07.2016.

For Petitioner : Mr.G.M.Anantha Kumar
For Respondents : Mr.V.M.R.Rajentren
1, 3 and 4 Additional Public Prosecutor

O R D E R

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

This Habeas Corpus Petition has been filed by the father of the detainee, namely, Ms.Nandini D/O.M.Somappa, praying for a direction to the respondents to handover the detainee to the petitioner forthwith, to enable the petitioner to take care of his daughter, who is in an advanced stage of pregnancy and who is presently kept in the 2nd respondent Home, as per the directions of this Court, passed in HCP No.911 of 2016, dated 28.07.2016.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents 1, 3 and 4.

3. Today, the detainee Ms.Nandini has been produced before this Court, along with her six days old child, by Ms.Revathi Mohan, Secretary, Narendra Nambikkai Natchathiram (Government approved N.G.O.) A3, Thally Hudco, Hosur - 635 109, Krishnagiri District, the second respondent herein.

4. On enquiry, the detainee had stated that she is aged about 19 years and she is willing to go along with the petitioner, who is her father, and her mother, who is also present before this Court today. It is also clarified by the Secretary of the second respondent Home that the detainee was in their home and she had expressed her desire to go along with her parents. It is also pointed out that the fifth respondent, who is alleged to have married the detainee, is in judicial custody and the detainee, being a major, expressed her desire in the Court, to go along with her parents, who are present today.

5. Since the petitioner has expressed his desire to take the detainee, along with her six days old child, with him, and as the detainee is also willing to go along with her parents, the detainee Ms.Nandini is permitted to go along with her father, the petitioner herein. Accordingly, the detainee will be taken back to the second respondent Home, along with her six days old child, and she will be handed over to the petitioner, by the second respondent Home authorities, on proper identification of the petitioner.

6. The Habeas Corpus Petition stands closed with the above direction.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

TK

To

- 1.The Inspector of Police
Hudco Police Station
Hosur,
Krishnagiri District.
- 2.Narendra Nambikkai Natchatram
Orphanage Home for Children
Hosur,
Krishnagiri District - 635 109.
- 3.The Superintendent of Police
Krishnagiri District,
Krishnagiri.
- 4.The Assistant Superintendent of Police
Hosur Taluk,
Krishnagiri District.
- 5.The Public Prosecutor
High Court of Madras
Chennai.

H.C.P.NO.1954 OF 2016

CP (CO)
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