

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE S.BASKARAN

H.C.P.No.2077 of 2016
and
Crl.M.P.No.11869 of 2016

Rajeswari

Petitioner

Vs

- 1.The Inspector of Police,
Sulur Police Station,
Coimbatore-641 402.
- 2.The Superintendent of Police,
S.P. Rural Office,
Coimbatore-18.
- 3.Santhosh

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the minor girl Pradeepa, daughter of the petitioner, aged about 17 years, before this court and set her at liberty.

For Petitioner : Mr.M.Liagat Ali

For Respondents : Mr.V.M.R.Rajentren

Additional Public Prosecutor for RR1 and 2
Mr.C.Kulanthaivel for R-3

ORDER

[Order of the Court was made by M.JAICHANDREN, J.]

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2 and Mr.C.Kulanthaivel, learned counsel appearing on behalf of the third respondent.

2 This Habeas Corpus Petition has been filed by the

mother of the detenu, praying that this Court may be pleased to issue a direction to the first and the second respondents to produce the minor girl, namely, Pradeepa, aged about 17 years, before this Court and to set her at liberty.

3 The petitioner has stated that she is a resident of Sulur Taluk. She had been deserted by her husband. She has been living with the detenu, who is pursuing her B.Com, degree course (I year), at Dr.N.G.P. Arts and Science College, Kalapatti, Coimbatore District. While so, the detenu had left her home, on 19.8.2016. As the detenu had not returned back, the petitioner had preferred a complaint, before the first respondent police, on 20.8.2016. Since the respondent police had not taken sufficient steps to trace the detenu, the petitioner has preferred the present Habeas Corpus Petition, before this Court.

4 When the detenu had been produced before this Court by the respondent police, on 24.10.2016, she had stated that she was not willing to go along with her mother, the petitioner herein. This Court had found it fit to refer the matter to the Tamil Nadu Mediation and Conciliation Centre to find an amicable solution in the matter. However, as the detenu had refused to go along with the petitioner herein, she had been directed to be kept in "Marialaya - Rehabilitation Home for Street Girls", Athipalayam Pirivu, Ganapathy, Coimbatore-641 006.

5 Thereafter, the present Habeas Corpus Petition had been listed today, for hearing. At this point of time, the detenu has become a major, as her date of birth is 14.11.1998. On enquiry, she had stated that she would like to go along with her aunt, namely, T.Aruljothi, wife of Thangavelu, residing at No.22/35, Sanguva Naicken Thottam, Kannampalayam, Sulur Taluk, Coimbatore, Tamil Nadu-641 402. She had further stated that she would like to pursue her B.Com degree course at Dr.N.G.P. Arts and Science College, Kalapatti, Coimbatore. The detenu had further stated that she would continue her B.Com, course, at Dr.N.G.P. Arts and Science College, Kalapatti, Coimbatore, by staying in the hostel therein.

6 The mother of the detenu, namely, Rajeswari, the petitioner herein, had stated that she would pay the fees for her daughter to pursue her course, if she would stay with her. However, the detenu had refused to go along with her mother. Instead, she had preferred to go along with her aunt, namely, T.Aruljothi, who had submitted that she is willing to pay the fees and to take care of the studies of the detenu.

7 The learned counsel appearing on behalf of the third

respondent had stated that he has no objection for this court passing such an order.

8 In such circumstances, we find it appropriate to permit the detainee Pradeepa, who is a major, at this point of time, to pursue her B.Com. degree course, at Dr.N.G.P. Arts and Science College, Kalapatti, Coimbatore, by staying in the hostel therein. Accordingly, the detainee Pradeepa is permitted to go along with her aunt T.Aruljothi, as per her wish, and to continue her studies in the above said college. Her aunt, namely, T.Aruljothi, residing at No.22/35, Sanguva Naicken Thottam, Kannampalayam, Sulur Taluk, Coimbatore, Tamil Nadu-641 402, shall pay the college fees, hostel fees and the other charges necessary to enable the detainee to continue her studies, at Dr.N.G.P. Arts and Science College, Kalapatti, Coimbatore, for the present. A direction is issued to the Home, namely, "Marialaya", Athipalayam Pirivu, Ganapathy, Coimbatore, to hand over the custody of the detainee Pradeepa, to her aunt, namely, T.Aruljothi, on production of proper identification. It would be open to the petitioner to seek further orders, if any, that may be necessary, at a later stage. This Habeas corpus Petition stands closed, with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Sulur Police Station,
Coimbatore-641 402.
- 2.The Superintendent of Police,
S.P. Rural Office,
Coimbatore-18.

3 The Sista-in-charge
Marialaya - Rehabilitation Home for street Girls",
Athipalayam Pirivu, Ganapathy, Coimbatore 641 006

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M. Liagath Ali, Advocate, S.R.No.67266

GMI (CO)
md(21/11/2016)

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