

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.239 of 2016

Dhanalakshmi

.. Petitioner

vs.

1. The Inspector of Police,
G.8, Orathy Police Station,
Orathy, Kanchipuram District.

2. Vignesh
3. Rathi
4. Kuppusami

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 1st respondent to produce the body of the petitioner's minor daughter Miss Ramya, aged 17 years, residing at No.30/1, Nehru Street, Porbanagaranai Village, Elappakkam Post, Maduranthagam Taluk, Kanchipuram District before this Court and to hand over her minor daughter to him.

For petitioner : Mr.K.G.Senthil Kumar

For 1st Respondent : Mr.V.M.R.Rajentran,
Addl. Public Prosecutor
(Crl.side)

सत्यमेव जयते

O R D E R

(Order of the Court was made by M.JAICHANDREN, J.)

This Habeas Corpus Petition has been filed by the mother of the detainee, namely, Ramya, to produce her minor daughter, who is aged about 17 years, before this Court and to hand over her custody to the petitioner.

2. The petitioner had stated that the detainee, who was studying in a College, had gone missing, from 05.02.2016. Based on the complaint made by the petitioner, the 1st respondent had registered a case, in Crime No.12 of 2016, for an offence under

Section 363 of IPC on 07.02.2016. However, as no effective steps had been taken, the petitioner has preferred this Habeas Corpus Petition before this Court.

3. When the matter had been listed, on 17.02.2016, this Court had passed the following Order:

"Dhanalakshmi, petitioner herein is the mother of the detainee/Minor Ramya, whose date of birth is 24.9.1998. According to the petitioner, the detainee minor Ramya had been kidnapped and illegally detained by respondents 3 and 4. In this regard a complaint has been made by the petitioner and a case has been registered in Cr.No.12 of 2016 under Section 363 IPC on 7.2.2016 on the file of the first respondent Police and the same is under investigation. Since the girl was not secured, petitioner has come up with this habeas corpus petition.

2. Today when the matter was taken up, the petitioner and her husband Murugan were present. Respondents 2 and 3 were also present, whereas 4th respondent was not present. The detainee Minor Ramya was produced by the first respondent Police.

3. When we enquired, the detainee Minor Ramya stated that she was all along in Chennai and she is willing to go with her parents, who are present in the Court. She had stated that she was doing B.Sc. Computer Science.

4. We are satisfied that she is capable of understanding. We are also satisfied that on her own volition she want to go with her parents. However, to ensure the safety and welfare of the minor girl, we pass the following order:

(a) The detainee Minor Ramya is entrusted to the custody of the petitioner herein and her husband Murugan. Petitioner and her husband Murugan shall ensure the safety and welfare of Minor Ramya, and they should not cause any harm to her, either physically or mentally.

(b) Mr.S.P.Sekar, Sub-Inspector of Police and Ms.Sabirabi, Woman Head Constable attached to G8 Orathy Police Station, who are present before the Court today, are directed to accompany Minor Ramya to the residence of the petitioner/mother of the detainee.

(c) The first respondent/Inspector of Police shall depute a woman Police Constable to visit the house of the petitioner daily to enquire with Minor Ramya about

her welfare and record her statement, and if the Police Officer finds that the minor is disturbed, he should report the same to this Court forthwith.

(d) The Chairman, District Child Welfare Committee, Kancheepuram, is hereby directed to cause frequent visit to the house of Minor Ramya and ensure the safety and welfare of the minor Ramya.

(e) The Chairman District Child Welfare Committee, Kanchipuram and the first respondent/Inspector of Police, G8 Orathy Police Station, Kanchipuram District shall submit separate status report before this Court on 29.2.2012.

(f) The first respondent/Inspector of Police shall ensure that minor Ramya is safely produced before this Court on 29.2.2016.

(g) The other respondents shall not in any manner disturb minor Ramya.

(h) List the case on 29.2.2016."

4. When this matter was taken up for hearing today, the detinue has been produced before this Court, by the 1st respondent police. On further enquiry, the detinue, who is a minor, had expressed her willingness to go along with the petitioner, who is her mother. She has also stated that she would continue her studies.

6. In such circumstances, we find it appropriate to close the present Habeas Corpus Petition as no further orders are necessary, at this stage. Accordingly, the Habeas Corpus Petition is closed and the detinue, who is a minor, is entrusted to the custody of her mother, the petitioner herein, for the present.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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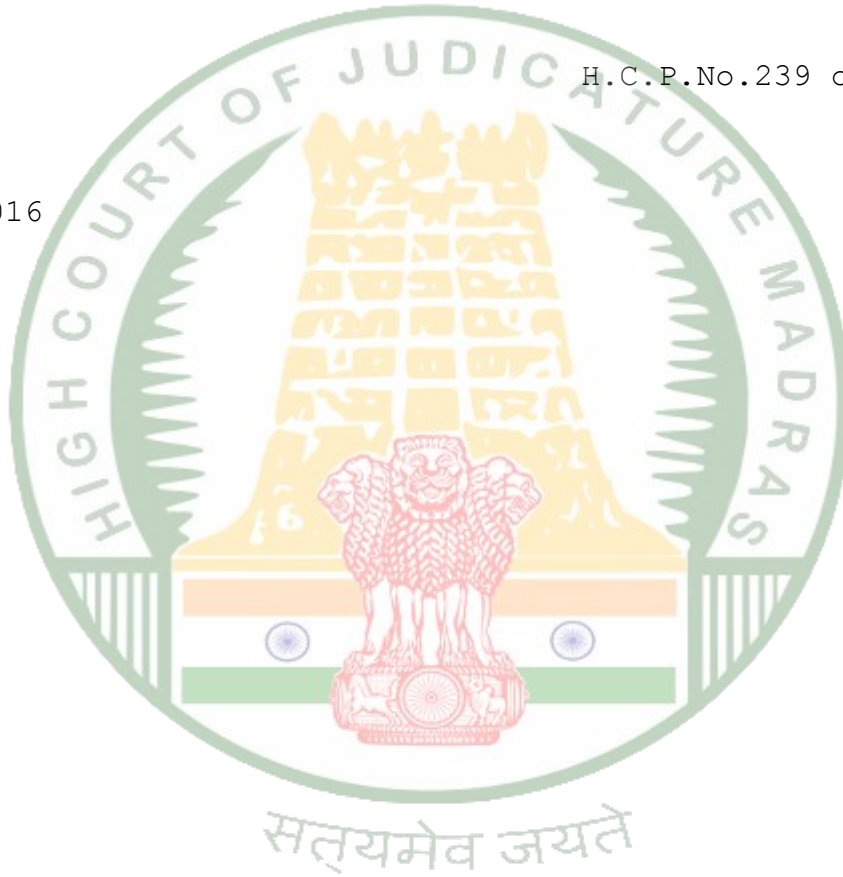
1.The Inspector of Police,
G.8, Orathy Police Station,
Orathy, Kanchipuram District.

2.The Public Prosecutor
High Court, Madras

+1 cc to Mr.K.G.SenthilKumar Advocate sr.12886

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