

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2016

CORAM

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

H.C.P.No.326 of 2016

M.Neelakandan

... Petitioner

vs

1. State rep. by
The Commissioner of Police,
Vepery, Chennai
2. State, rep.by
The Inspector of Police,
J-10, Semmanjeri Police Station,
Rajiv Gandhi Road,
Solinganallur, Chennai-600 119
3. Parthiban
4. Arumugam
5. Shanthi

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Habeas Corpus directing the 2nd respondent police to secure and produce the detenu, the minor daughter of the petitioner, namely Santhiya, daughter of Mr.Neelakandan, aged about 17 years, a minor girl, before this Court and set her with her father.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mr.V.M.R.Rajendren,
Addl. Public Prosecutor
for R1 and R2

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O R D E R

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

This habeas corpus petition has been filed by the father of the detainee, namely, Santhiya, aged about 17 years, praying that this Court may be pleased to direct the 2nd respondent police to secure and produce the detainee, before this Court and set her at liberty.

2. The petitioner had stated that, his daughter, who was studying B.Com., in T.S.Narayanaswamy College at Navallur, had gone missing from 08.02.2016. Therefore, he had lodged a complaint, before the second respondent police. Since no effective action has been taken by the second respondent police, to trace the detainee, he has preferred the present habeas corpus petition before this Court.

3. Today, when the matter was listed for hearing, the second respondent police had produced the detainee before this Court. On enquiry, the detainee had stated that she had married one Parthiban, son of Arumugam, the third respondent herein, at Navallur, and they have been living together. The detainee had stated that she is not willing to go along with her parents. She had further stated that she would like to go along with the third respondent. The parents of the detainee are also present before this Court.

4. The learned Additional Public Prosecutor, appearing on behalf of the respondent police, had stated that the third respondent had been arrested and he would be remanded in custody, as the detainee is a minor.

5. In such circumstances, we find it appropriate to refer the matter to the Child Welfare Committee, Kanchipuram, to take an appropriate decision in the matter. Accordingly, the following order is passed:

(i) The second respondent police is directed to take the detainee and produce her before the Child Welfare Committee, Kanchipuram, today.

(ii) The Child Welfare Committee, Kanchipuram, shall give counseling to the detainee, the parents of the detainee, as well as to the parents of the third respondent.

(iii) The Child Welfare Committee could take further decision, with regard to the safety and welfare of the minor girl.

(iv) The parents of the detainee, as well as the parents of the third respondent, may also be heard, by the Child Welfare Committee, Kanchipuram, before they could take a decision in the matter.

(v) The respondent police is also at liberty, to make arrangement for recording the statement of the detainee, under Section 164 of the Code of Criminal Procedure, 1973, by the Magistrate concerned.

6. The habeas corpus petition is disposed of accordingly.

-s/d-

Assistant Registrar (CSII)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Vepery, Chennai
2. The Inspector of Police,
J-10, Semmanjeri Police Station,
Rajiv Gandhi Road,
Solinganallur, Chennai-600 119
3. The Public Prosecutor
High Court, Madras.
4. The Chairman
Child Welfare Committee
NO.198/1 Thirukazhikundram Road,
Chengalpattu Kanchipuram District

+1 cc to Mr.g.Saravanan, Advocate sr.16133

+1 cc to Mr.V.R.Appaswamee, Advocate sr.16105

H.C.P.No.326/2016

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