



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of January Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice P.R.SHIVAKUMAR
and

The Hon`ble Mr Justice V.S.RAVI

CRIMINAL MISCELLANEOUS PETITION (MD) No.850 of 2016
IN
HCP(MD) No.264 of 2015

P.ELANGO VAN

... PETITIONER

Vs

1.THE SUPERINTENDENT OF POLICE
DINDIGUL DISTRICT, DINDIGUL

2.STATE REP BY THE INSPECTOR OF POLICE
NILAKKOTTAI POLICE STATION, NILAKKOTTAI,
DINDIGUL DISTRICT

3 MUTHUKUMAR

4 RAJENDRAN

... RESPONDENTS

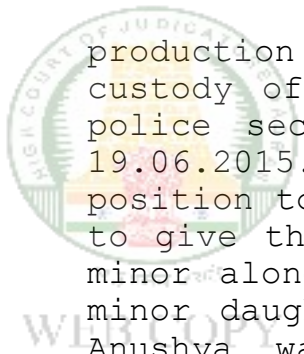
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the 2nd respondent to produce the person and body of the petitioners daughter named Anushya, D/o.Elangovan aged about 15 years who is under custody of the Vidiyal Home, Muthupatti Village, Madurai District before this Honourable Court and hand over the custody to the petitioner.

HCP(MD)No.264/2015:- This Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to produce the person or body of the detenu by name Anusiya aged 15 years daughter of the Petitioner before this Court and hand over the custody of the detenu to the Petitioner.

Order : This Petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and in pursuant to the Order dated 19/6/2015 made herein in the presence of Mr.J.Vijaya Raja, Advocate for the petitioner herein and Mr.A.Ramar, Additional Public Prosecutor appearing on behalf of the Respondents herein the Court made the following order:-

ORDER

(Order of the Court was made by **P.R.SHIVAKUMAR, J.**)



production of the said minor before this Court and to hand over the custody of the minor to him. In the said Habeas Corpus Petition, police secured the minor and produced her before this Court on 19.06.2015. This Court found that minor Anushya was not in a position to answer coherently. The petitioner, who wanted this Court to give the custody of minor Anushya to him, refused to take the minor along with him stating that he was not willing to take his minor daughter. Under the said circumstances, opining that minor Anushya was a child in need of care and protection, this Court sent her to Vidiyal Home, Muthupatti East, Madurai. However, an observation was made to the effect that the petitioner could file a petition, if he changed his mind set. Taking advantage of such observation, which means a petition being filed in an appropriate forum, the petitioner has now come forward with the present petition as a Miscellaneous Petition in the above said Habeas Corpus Petition, which has already been disposed of.

2. The fact remains that the petitioner, who was bound to give care and protection to his minor daughter, disowned her and thereby, incurred disqualification to act as the guardian of minor Anushya. The petitioner, claiming that now he changed his mind, has come forward with the present petition for the production of the minor in this Court. The Habeas Corpus Petition cannot be converted into a proceeding for deciding the question of guardianship and custody of the minor. The petitioner, instead of approaching the Child Welfare Committee or the Court having jurisdiction to deal with guardianship matters, has chosen to approach this Court with the present petition. Hence, we are not inclined to entertain this Petition. Accordingly, this Petition is dismissed.

Sd/-

Assistant Registrar(AE)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE SUPERINTENDENT OF POLICE, DINDIGUL DISTRICT, DINDIGUL
- 2.THE INSPECTOR OF POLICE
NILAKKOTTAI POLICE STATION, NILAKKOTTAI, DINDIGUL DISTRICT
- 3.THE SECRETARY, VIDIAL HOME, MUTHUPATTI EAST, MADURAI
- 4.THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
+One cc to Mr.J.VijayaRaja, Advocate, SR.No.4883
RL/6C/AAL/MPA/SARI/9/2/2016

ORDER Date :28/01/2016

ORDER

CRL MP(MD) No.850 of 2016

IN

HCP(MD) No.264 of 2015

GIVING DIRECTIONS ETC., AS
STATED WITHIN