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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

AND

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P.(MD)No.1673 of 2015

P.Vellaiammal

.. Petitioner/Mother of Detenu

Vs.

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The Inspector of Police,
Lalkudi Police Station,
Trichy District.

.. Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus to direct the first and second respondents to produce the body or person of the petitioner's minor daughter Viz., Harini D/o.Pandiyar, aged about 17 years before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.K.M.Karunakaran

For Respondents 1&2 : Mr.R.Ramachandran,

Additional Public Prosecutor

ORDER

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

Though this case stands adjourned to 07.01.2016, since the alleged detenu is produced before this Court, as requested by the learned counsel for the petitioner and also the learned Additional Public Prosecutor, the hearing is advanced and the Habeas Corpus Petition is taken up for hearing.

2. This is an application filed by the petitioner to produce her minor daughter viz., Harini, aged about 17 years. It is stated in the affidavit filed in support of petition that the detenu has gone to be missing from the house of the petitioner on 23.09.2015 and she has also given a complaint to the second respondent on 25.09.2015. In fact, along with the typed set, the petitioner has enclosed a copy of the complaint submitted to the second respondent.

3.Today, the second respondent has produced the detenu by name Harini. On enquiry, the detenu - Harini has categorically stated in the open Court that there is no harassment or illegal detention caused by any one to her and in fact, she is working in a Cotton Mill at Kangeyam. The detenu has also categorically stated that she is willing to go with the petitioner and her brother, and also willing to lead a peaceful life along with them. The petitioner viz., Vellaiammal is also present in the open Court along with his son Jambukeswaran (brother of the detenu). Both



of them have asserted that they are ready to take care of the detenu and also willing to provide food, shelter and clothing to her. The above statements of the detenu and the petitioner are recorded. Accordingly, the custody of the minor girl viz., Harini is entrusted to her mother viz., petitioner.

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4.The second respondent has produced the detenu only after a direction issued by this Court for the appearance of the learned Superintendent of Police, Tiruchirappalli. Under such circumstances, this Court has strictly instructed the second respondent to be more careful in handling cases like this, particularly the minor girl, in future. Further, the presence of Superintendent of Police, Tiruchirappalli shall stand dispensed with.

5.The Habeas Corpus Petition is, accordingly, disposed of.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The Inspector of Police,
Lalkudi Police Station,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
H.C.P. (MD) No.1673 of 2015

05.01.2016

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NS/SK-SKN/19.01.2016 : 2P/4C