

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.1840 of 2017

Mrs.K.Valli

... Petitioner

Vs.

1.The Social Welfare Officer
District Social Welfare Office
Thiruvannamalai
Thiruvannamalai District.

2.The Inspector of Police
All Women Police Station
Thiruvannamalai Taluk
Thiruvannamalai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce her daughter namely Krishnapriya aged about 18 years before this Court and set them at liberty forthwith.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.V.M.R.Rajentran,
Addl. Public Prosecutor

सत्यमेव जयते

O R D E R

(Order of the Court was made by RAJIV SHAKDER, J)

1. This a petition filed by the mother of the detenue. The detenue is one Ms.Krishnapriya, aged about 18 years.

2. It is averred in the affidavit accompanying the petition that, since, the petitioner's husband expired in 2001, the petitioner married her daughter (i.e., Ms.Krishnapriya) to, one, Mr.Sivakumar, who offered and extended help to her.

2.1. The petition also discloses that, since, at the time of marriage, (which, apparently was performed at Thiruthani Murugan Temple on 10.04.2017), Ms.Krishnapriya was a minor, upon a complaint being filed against Mr.Sivakumar, an FIR was registered against him.

2.2. The FIR was, evidently, registered based on a compliant lodged by the wife of Mr.Sivakumar, one Tmt.Saranya.

2.3.The case registered against Mr.Sivakumar is numbered as : Crime No.17 of 2017. Mr.Sivakumar is accused of having committed offences under Sections 376 of the IPC r/w Sections 4, 6 and 17 of POCSO Act, 2012. The petitioner was also arrayed as an accused in the case. It appears that the petitioner obtained anticipatory bail from this Court in Crl.O.P.No.13596 of 2017.

3. The admitted case of the petitioner is that Ms.Krishnapriya, is, presently, lodged in a Government run Home, located at Thiruvannamalai. As a matter of fact, the petitioner appears to have filed a petition to seek release of her daughter from the said home, which was dismissed. The said petition, according to the petitioner, was numbered as : Crl.M.P.No.591 of 2017. The date of the order, however, has not been furnished to us.

4. In the affidavit, it has been indicated that, while dismissing the petition, the concerned Court granted permission to the petitioner to interact with her daughter between 10.00 a.m. to 5.00 p.m. on Saturdays. The petitioner has approached this Court with the plea to direct release of her daughter from the Government home on the ground that she is pregnant and would require her care and protection.

5. The sense, we get, upon hearing the counsel for the petitioner, is that, the petitioner is a friend of Mr.Sivakumar. Mr.Sivakumar, as noted above, is being prosecuted. Having regard to the circumstances brought forth before us, there is, to our minds, every likelihood of Mr.Sivakumar influencing or pressurizing Ms.Krishnapriya, who, perhaps may be cited as witness for the prosecution.

5.1.Moreover, in our view, Ms.Krishnapriya, given her present state, can get access to better medical facilities in the Government Home, which would be out of reach of the petitioner, given her admitted lack of financial wherewithal.

6. For all these reasons, we are not inclined to entertain the petition. The petition is, accordingly, dismissed.

vsm

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To

1.The Social Welfare Officer
District Social Welfare Office
Thiruvannamalai
Thiruvannamalai District.

2.The Inspector of Police
All Women Police Station
Thiruvannamalai Taluk
Thiruvannamalai District.

3.The Public Prosecutor,
Madras High Court,
Chennai.

+1CC to M/S.ARIVAZHAGAN Advocate SR.NO.72485

H.C.P.No.1840 of 2017

RV[CO]
MK:15/12/2017

सत्यमेव जयते

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