

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.513 of 2017

A.Amutha .. Petitioner

Vs

1.The Inspector of Police, (Crime),
E-4, Abiramipuram Police Station,
Chennai.

2.Iyyappan

3.Pushpa .. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the first respondent to produce the body and person of the detainee namely Rohini, aged about 16 years, before this Court and set him at liberty.

For Petitioner : Mr.D.Chandrakumar

For 1st Respondent : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

ORDER

(The order of the Court was made by S.NAGAMUTHU.,J)

The petitioner is the mother of one Ms.Rohini, aged 16 years. Her date of birth is 13.06.2000. She was doing XII standard in a local school at Chennai. It is alleged that without writing her last examination on 26.03.2017, she eloped with the second respondent herein. The second respondent is the neighbour of petitioner. On a complaint made by the petitioner, a case has also been registered against the second respondent. Since, the detainee was not secured so far, the petitioner has come up with this Habeas Corpus Petition.

2.Today, when the matter was taken up for hearing, the minor girl was produced before this Court. We enquired the detinue. She told us that she had fallen in love with the second respondent for the past 2 years; she eloped with the second respondent; married him in a temple at Dindivanam; lived with him as his wife; during that period, the second respondent had sexual intercourse with her. The said statement is recorded.

3.The first respondent Police would submit that already the detinue has been subjected to medical examination however, her statement under Section 164 Cr.P.C., needs to be recorded. The second respondent was arrested and he has been remanded to judicial custody. The case against him has also been altered into the provision of Protection of Children from Sexual Offences, Act. The same is recorded.

4.Now, the detinue expressed her willingness to go along with her mother, viz., the petitioner herein.

5.Having regard to the above facts, we direct the first respondent Police to produce the detinue before the Chairman, District Child Welfare Committee, Chennai, who shall pass necessary orders in respect of the custody of the detinue. The Chairman, District Child Welfare Committee shall ensure that the child/detinue is not disturbed in any manner by any one, including the second respondent and his family members. In case, the Chairman, District Child Welfare Committee decides to entrust the custody of the detinue to her mother, the Committee shall make arrangement for periodic visit by the Chairman or by any members of the committee to the house of the petitioner and give counseling to the detinue and her family members to ensure the safety of the detinue. Until the detinue is produced before the Chairman, District Child Welfare Committee, the detinue shall be in the custody of the mother viz., the petitioner herein.

6.With the above observations, the Habeas Corpus Petition is closed.

jbm

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Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Inspector of Police, (Crime),
E-4, Abiramipuram Police Station,
Chennai.

2.The Chairman,
District Child Welfare Committee,
Chennai.

3.The Public Prosecutor,
High Court, Chennai.

+1 CC to Mr.D.CHANDRAKUMAR Advocate SR.NO.26213

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KJI[CO]
MK:17/05/2017



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