

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.04.2017

CORAM

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

H.C.P No.94 of 2017

Jaikumar

...Petitioner

Vs

1.The State rep by its
Inspector of Police (Crimes)
N3, Muthaialpettai Police Station,
Chennai – 1

2. The Management, rep by R. Jaya,
St. Francis Xavier School,
Broadway, Chennai - 1

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue an Order, direction or writ in the nature of a Writ of Habeas Corpus directing the 1st respondent police to produce the body of the petitioner's missing daughter by name J. Swetha (18 years) in person before this Court and set her at liberty forthwith.

For Petitioner : Ms.Rajapriya

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

For R.2 : Mr.P.V. Balasubramanian
M/s BFS Legal Service

ORDER

(Order of the Court was made by **S. NAGAMUTHU,J.,**)

The petitioner is the father of one J. Swetha. Her Date of Birth is 07.09.1999. Thus, Swetha is a child. She was studying in the second respondent school at Chennai. On 05.01.2017, she went to the school as usual, but in the evening, according to the petitioner, he received a phone call from the school as to whether Ms.Swetha (hereinafter referred to as "detenue"), had returned home. The petitioner and others, therefore, went and searched of the detenue. She was not found anywhere. On a complaint made by the petitioner, a case in Cr.No.53 of 2017 was also registered by the first respondent. Since the girl was not secured, the petitioner has come up with this Habeas Corpus Petition.

2. Today, when the matter was taken up, the first respondent produced the detenue Swetha. We enquired her. She told us that her date of birth is 07.09.1999. Thereafter, on 05.01.2017, since she warned by the School Teachers for not showing attention in the studies, she went on her own to Bangalore Bus Stand. While she was

in the Bus Stand at Bangalore, she was noticed by the Child Welfare Committee. Since she was not able to give any useful information about her identity except saying that she was orphan. Therefore, she was kept by the said authority in a Home for two months. She stayed in the said Home.

3. A Councilor had visited Home. After counselling, they found that the detinue belongs to Tamil Nadu. Therefore, the Committee, in turn, contacted a District Welfare Committee at Chennai. The child was produced before the District Child Welfare Committee. The Chairman, the District Child Welfare Committee passed an order keeping the child in Annai Sathya Child Welfare Home, Kancheepuram. On receiving the information, the respondent police, with due permission from the said Committee, has brought the child to this Court.

4. From the narration of the above facts, we find that there is no illegal detention of the detinue. She has been now kept in the Home as per the Orders passed by the Chairman, District Child Welfare Committee. Now, the child, in question, needs for care and protection. If the parents want to take the child in their custody, they can make

an application before the District Child Welfare Committee and it is for the District Child Welfare Committee to decide about the custody of the child.

5. With the above observation, the habeas corpus petition is dismissed. We direct the respondent police to produce the child before Annai Sathya Child Welfare Home, Kancheepuram. We give liberty to the petitioner or any other person interested for taking custody of the child, they can make necessary application before the District Welfare Child Committee and it is for the Committee to decide about the further custody of the detainee.

(S.N.J.,) (A.S.M.J.,)
24-04-2017

sr

Speaking Order/Non-speaking Order
Index:yes/no
website:yes/no

Note: Issue Order Copy Today

To

- 1 The Inspector of Police (Crimes)
N3, Muthaialpettai Police Station,
Chennai – 1
3. The Public Prosecutor, High Court, Chennai

**S. NAGAMUTHU,J.,
AND
Dr.ANITA SUMANTH,J.,**

sr

HCP No.94 of 2017

24-04-2017

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