



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.03.2017**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

H.C.P.[MD].No.462 of 2017

Y.Rathinabai,

: Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District at Nagercoil.
2. The District Collector,
Kanyakumari District at Nagercoil.
3. The Chairman,
Child Welfare committee,
Collector Office, Nagercoil,
- 4.The District Child Protection Officer,
Collector Office at Nagercoil.
- 5.The Inspector of Police,
All Women Police Station
Kuzhithurai at Marthandam.
6. The Project Officer, (Warden)
Bethany Kids Home,
Lutherin Mission School Compound,
Nagercoil - I, Kanyakumari District,
- 7.Lizet
- 8.Suraksha Community Centre for Family
Health, N.H. Road, Thottiyodu,
Kanyakumari District.

9.F. Shoba,

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 to 5 to produce the Petitioner's Grand daughters G. Jenisha, age



15 and G. Jebisha, age 13 or body of the petitioner's Grand daughters G. Jenisha and G. Jebisha, the detenu before this Court and hand over their custody to the petitioner.

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For Petitioner

: Mr.M.Francis Xavier,

For Respondents 1to5

: Mr.T. Mohan

Additional Public Prosecutor

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 5.

2. The present Habeas Corpus Petition has been filed seeking a Writ of Habeas Corpus, directing the respondents 1 to 5 to produce the Petitioner's Grand daughters, namely G.Jenisha, aged about 15 years and G.Jebisha, aged about 13 years or the body of the petitioner's Grand daughters G.Jenisha and G.Jebisha, the detenus before this Court and hand over their custody to the petitioner.

3. The project Officer/the sixth respondent is present in the Court. The petitioner is the maternal grandmother of the detenus - two minor children, namely G.Jenisha and G.Jebisha and it is her case that they have been illegally detained in the sixth respondent Home. According to the petitioner, her daughter has been arrested during midnight, on a false complaint and the petitioner would blame the seventh respondent, who appears to be a Tuition Teacher. The Second detenu - G.Jebisha is present in Court. We have questioned her. She has stated that she is under the care and custody of the sixth respondent home as well as her sister G.Jenisha, who is today writing 10th standard examination and G.Jenisha appears to be happy in the home.

4. The learned Additional Public Prosecutor submitted that the case has been taken up for investigation, based on the complaint forwarded by the District Collector, the second respondent herein. The detenu's father and mother are in judicial custody. We do not want to record as to what the second detenu has stated before the Court and it is suffice to note that she is happy and she is not under the illegal custody of anybody. She has further stated that she and her sister are taken good care of by the sixth respondent.



5. In view of the above, since the detenus are not in illegal custody, there is nothing for adjudication in the Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition is dismissed.

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/True Copy/

Sd/-

Assistant Registrar(AS)

Sub-Assistant Registrar

To

1. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
2. The Superintendent of Police,
Kanyakumari District at Nagercoil.
3. The District Collector,
Kanyakumari District at Nagercoil.
4. The Chairman,
Child Welfare committee,
Collector Office, Nagercoil,
5. The District Child Protection Officer,
Collector Office at Nagercoil.
6. The Inspector of Police,
All Women Police Station
Kuzhithurai at Marthandam.

+1 CC TO M/S.M.FRANCIS XAVIER, ADVOCATE, SR NO.18317

dsk/NB

MAS/RR/SAR2:3P-8C:17.04.2017

ORDER MADE

IN

H.C.P. [MD] .No.462 of 2017

28.03.2017