

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

WRIT PETITION No.26885 of 2017

O R D E R

(per SK,J)

The petitioner seeks a writ of habeas corpus directing the respondents to trace the whereabouts of his daughter, Afreen, aged 15 years, and produce her before this Court from the illegal custody of one Venkatesh, so that she could be set at liberty.

Notice having been ordered, the learned Assistant Government Pleader attached to the office of the learned Additional Advocate General, State of Telangana, produced the petitioner's daughter, Afreen, and we interacted with her *in camera*. She stated that she is presently aged over 16 years and that she voluntarily left with Venkatesh.

Learned Assistant Government Pleader brought to our notice that upon apprehension of the petitioner's daughter in the company of the said Venkatesh, he was remanded to judicial custody in connection with the offences allegedly committed by him under the provisions of the IPC and the Protection of Children from Sexual Offences Act, 2012.

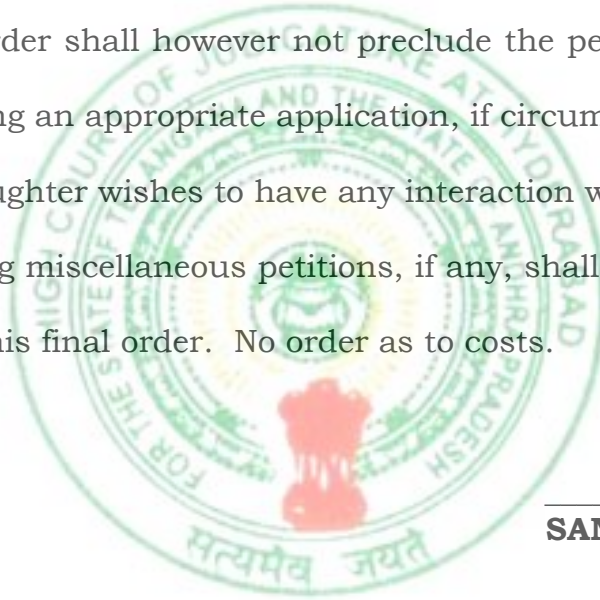
Afreen however stated that she is not happy about returning to her parents' home and plainly stated that she would also be under a life threat if she did so. She further stated in categorical terms that she would rather remain in the Children's Home till she attains the age of majority. Learned Assistant Government Pleader informed us that she is presently housed in the Children's Home at Gadwal but she would be shifted to the Rescue Home at Mahabubnagar where she would be more secure and safe.

As the paramount consideration that would weigh with us is the interest of the minor and as she is old enough to know her mind though she is yet to attain the age of majority, we are of the opinion that she should be allowed to stay in the Rescue Home at Mahabubnagar till she attains the age of majority.

The writ petition is accordingly disposed of directing the authorities to ensure that the petitioner's daughter, Afreen, remains in the Rescue Home at Mahabubnagar till she attains the age of 18 years. Her safety and security shall be the responsibility of the State till the said date.

This order shall however not preclude the petitioner and his wife from filing an appropriate application, if circumstances change and their daughter wishes to have any interaction with them.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR,J

Dr. SHAMEEM AKTHER,J

Date:13.09.2017

PGS