

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL
AND
THE HON'BLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.281 of 2018

K.Manjusha @ Manjula

.... Petitioner

vs.

1.The Inspector of Police,
Peerankaranai Police Station,
Peerankaranai, St.Thomas Mount,
Chennai-600 048.

2.M.Suresh
3.Kalaimani

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the first respondent to produce the corpus of the petitioner's minor daughter namely minor Keerthana, daughter of Kumar, aged about 17 years, residing at No.713, 2nd Street, Lakshmi Nagar, Mudichur, Chennai-600 048, from the illegal custody of the Respondents 2 and 3 and hand over her custody to the petitioner herein.

For Petitioner : Mr.K.Senthilvel for
Mr.K.Perumal Swamy

For Respondents : R.Ravichandran,G.A., (Crl.side)
for R1

ORDER

(Order of the Court was made by R.HEMALATHA,J.)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India to direct the first respondent to produce the corpus of the petitioner's minor daughter, namely, Keerthana, aged about 17 years, from the illegal custody of the respondents 2 and 3 and handover her custody to the petitioner.

2.In the affidavit filed along with the petition, the petitioner had contended that her daughter Keerthana (the detinue herein), is aged 17 years and during holidays, she was sent to a mobile recharge shop for two months for a job, where she developed intimacy with the second respondent, who used to frequent the shop to recharge his mobile phone. It is her further contention that on 26.1.2017, her daughter Keerthana went missing from her house and that she searched for her. Since she could not find out the whereabouts of her daughter, she lodged a complaint with the Sub Inspector of Police on 27.1.2018, which culminated into the registration of an FIR in Crime No.69 of 2018 of Palladam Police Station.

3.The detinue was actually produced before this Court on 15.03.2018 and since the detinue, a minor, informed the Court that she was not willing to go with her parents, she was lodged in the Children's Observation Home, Kellys, Purasaiwalkkam, Chennai. On that day, it was submitted by the first respondent Police that action would be initiated against the second respondent and therefore, the case was posted today.

4.The detinue was again produced before this Court today and we interacted with her. She contended that she fell in love with the second respondent and went with him to Katpadi and stayed in one of his relatives house. She also contended that from 15.03.2018 onwards, she has been in the Children's Observation Home, Kellys, Purasaiwalkkam, Chennai and that she has also been given counselling. Now, she contends that she has realized her mistake and would like to go with her parents. She also expressed her willingness to study further.

5.The learned Government Advocate (Crl.Side) contended that the second respondent has been arrested and detained in prison.

6.The date of birth of the detinue-Keerthana is 10.04.2000. Since the detinue expressed her willingness to go with her mother, she is set at liberty and permitted to go along with her mother/the petitioner herein.

7.In the facts and circumstances, the present Habeas Corpus Petition is disposed of, since no further course of action is necessary.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msk

To

1.The Inspector of Police,
Peerkankaranai Police Station,
Peerkankaranai, St.Thomas Mount,
Chennai-600 048.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Perumalswamy, Advocate, S.R.No.26921

H.C.P.No.281 of 2018

GJ(CO)

RRK(24/04/2018)



WEB COPY