

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM
AND
THE HONOURABLE Mrs. JUSTICE S.RAMATHILAGAM

H.C.P.No.2546 of 2018

Kavitha

... Petitioner/Mother of the detenue

-Vs-

1. The State rep. by
The Superintendent of Police,
Vellore District,
Vellore.

2. The Inspector of Police,
Pallikonda Police Station,
Vellore District.

3. Gokul

4. Margabandhu

5. Somundeeshwari

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person and body of the petitioner's minor daughter G.Thilaga, aged about 17 years, before this Court and hand over her custody to the petitioner herein.

For Petitioner : Mr.E.Kannadasan

For RR-1 and 2 : Mr.R.Prathap Kumar
Additional Public Prosecutor

For RR-3 to 5 : Mr.D.Thirumoorthy

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

The detenue namely G.Thilaga, who is the minor daughter of the petitioner herein, has been produced before this Court by the second respondent from the custody of her relative one

Murugesan from Husur Village, Vellore District. The detenue is adamant against returning to her parental home, though the petitioner assures that she would keep her daughter, the detenue safe and act according to her wishes after she completes her studies.

2. According to the learned Additional Public Prosecutor, even on an earlier occasion, the detenue eloped with the third respondent leading to registration of a case.

3. The detenue informs that after attaining majority, she would continue her studies and choose her way of life.

4. In the circumstances, this Court directs that the detenue shall be kept in a Home viz., "Government Home for Girls, Murukkeri Village, Vellore District", till she attains the age of majority or decides to return to her parental home, in which event, the Home Authorities may contact the second respondent and after obtaining necessary assurance for the welfare of the detenue from the petitioner, hand over the custody of the detenue to the petitioner. It will be open to the petitioner and her husband to visit the detenue during permitted hours.

5. With the above directions, this Habeas Corpus Petition shall stand closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Jrl

To:

1. The Superintendent of Police,
Vellore District,
Vellore.

2. The Inspector of Police,
Pallikonda Police Station,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.

4. Government Home for Girls,
Murukkeri Village, Vellore District.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.80525

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GSP(26/11/2018)