



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM
and
THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P.(MD)No.558 of 2018

Packiam

... Petitioner

Vs.

- 1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 2.The State Rep. by
The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District.
- 3.The President / Member,
Saranalayam Children Home,
Balapackia Nagar,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the Respondents 1 and 2 to secure the Petitioner's daughter or her corpus by name Gunaseela, D/o. Gopal, Female aged about 18 years residing at Door No.1/203, Vethala Samy Street, Vadakku Poolankulam Village, Alangulam Taluk, Tirunelveli District from the custody of the 3rd Respondent and produce her before this Hon'ble Court and set her at liberty forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.K.Dinesh Babu
1 & 2 Additional Public Prosecutor

ORDER

(Order of the Court was made by C.T. SELVAM,J.)

This petition has been filed by the mother, seeking production of her daughter, Gunaseela, aged 18 years.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The daughter/detenué is presently in the custody of the



third respondent. She is in advanced stage of pregnancy and at her instance a case stands registered on the file of Alangulam All Women Police Station in Crime No.2 of 2018 both against the mother and another, informed to be the cause of her pregnancy. Even so, the detinue under her letter dated 24.04.2018 written in her own hand and attested by the Chairperson, Child Welfare Committee, Tirunelveli has expressed her desire to be under the care of her mother/petitioner. As the detinue is a major, she will have to be allowed her wish.

3. Accordingly, the third respondent is directed to place the custody of the detinue in the hands of the petitioner. The second respondent shall assist such process. However, in the circumstances of the case, this Court considers it appropriate and accordingly directs the District Social Welfare Officer, Tirunelveli to visit the detinue once in every two weeks. In the event of coming to know of any wrongful conduct, a duty is cast upon the District Social Welfare Officer to inform this Court by addressing this Court through the Registrar (Judicial) and marking a copy thereof to the office of Public Prosecutor, Madurai Bench of Madras High Court, Madurai. The District Social Welfare Officer is directed to act in aid of the detinue as above directed upto a period of 3 months after the birth of the detinue's child.

4. With the above direction, this Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar (Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District.
3. The President / Member,
Saranalayam Children Home,
Balapackia Nagar,
Tirunelveli,
Tirunelveli District.



4.The District Child Welfare Officer,
Tirunelveli.

5.The District Social Welfare Officer,
Tirunelveli.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.S.Palani Velayutham , Advocate in SR No. 63574

Sj

AE/SV MMS/SAR1/15.05.2018/3P/9C

H.C.P. (MD) No.558 of 2018
25.04.2018