



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.02.2018
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

H.C.P.(MD)No.1041 of 2017

P.Kumari

... Petitioner

Vs.

1. State represented by
the Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2. The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.

3. Miss. Lizet

4. Chelladurai

5. The Superintendent of Police,
Anti Human Trafficking Unit of CBCID,
Chennai.

R5 impleaded suo motu as per order
of this Court made in H.C.P.(MD).No.1041 of 2017,
dated 21.12.2017

... Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the petitioner's daughter G.Jebisha, D/o. George aged 15 before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.D.Anbarasu

For R1 & R2 : Mr.C.Ramesh

Additional Public Prosecutor

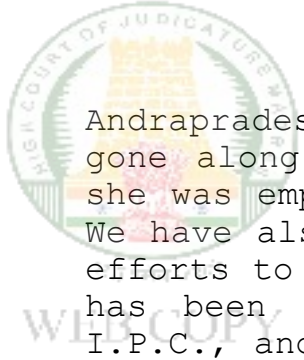
For R3 & R4 : No appearance

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 for the respondents 1 and 2.

2. The respondent police has produced the detenu minor G.Jebisha, D/o.George, aged about 15 years. We have spoken to the detenu and while she admits that she has been taken away by the third respondent to several places such as Chennai, Gummidipoondi,



Andrapradesh etc., is not very clear as to for what purpose she had gone along with the third respondent, the detenu would admit that she was employed along with the third respondent in various places. We have also spoken to the Investigating Officer, who has taken all efforts to secure the detenu from Andrapradesh. The third respondent has been arrayed as an accused for various offences under the I.P.C., and the POCSO Act. We have also spoken to the Investigating Officer, who has informed us that the detenu has been given counselling by the Child Welfare Committee. We also advised the Investigating Officer to discretely monitor the activities of the detenu and her family as it appears that there were past instances, where the third accused had come in contact with other girls, though not minors. The detenu willingly stated that she is ready to join her mother, who is present in Court. The detenu's mother was also questioned by us, who is willing to accept the daughter and she stated that their family had been pushed to this position on account of undesirable activities of the third respondent.

3. In the light of the fact that the detenu is willing to join her mother, we permit the detenu to go along with her mother. Accordingly, the Habeas Corpus Petition is closed.

4. The Chairman of the Child Welfare Committee is directed to ensure that counselling is given to the detenu, and also to her sister and also monitor their activities and also to the detenu's mother and periodically monitor their activities. The Chairman of the Child Welfare Committee shall coordinate with the Investigating Officer, so that the best interest of the minor detenu and her sister are protected.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District at Nagercoil.
2. The Inspector of Police, Thuckalay Police Station,
Thuckalay, Kanyakumari District.
3. The Superintendent of Police, Anti Human Trafficking
Unit of CBCID, Chennai
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
5. The Chairman, Child Welfare Committee
Kanyakumari District at Nagercoil
+One cc to M/s.D.Anbarasu, Advocate, SR.No.51713

akv

RL/7C/2P/SV/MMS/SAR1/22/3/2018

H.C.P.(MD).No.1041 of 2017

26.02.2018