

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

HCP.NO.588 OF 2019

Sudha

... Petitioner

-vs-

1. The Superintendent of Police,
Nagapattinam District.
2. The Inspector of Police,
Kollidam Police Station,
Nagapattinam District.
3. Subash
S/o. Muthuselvi, Colony Street,
Boothakanni Pallipalayam village,
Chidambaram Taluk, Cuddalore District.

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus directing the 2nd respondent to produce the person or body of the Daughter of the petitioner namely Sindhuja aged about 17 years before this Court from the custody of the 3rd respondent and hand over to the petitioner.

For Petitioner :Mr.C.S.S.Pillai

For Respondent :Mr.R.Prathapkumar,
Addl.Public Prosecutor for R1 & R2
No appearance for R3

ORDER

(Order of the Court made by M.M.SUNDRESH, J.)

The Petitioner is the mother of the detainee - Sindhuja, aged 17 years. She has filed this petition seeking a direction to respondent to cause production of her daughter before this Court.

2. Today, the detainee is produced before this court as

directed earlier by this court. The detainee is a minor. This is a case of elopement of the minor detainee with the 3rd respondent. This court was informed that the 3rd respondent has been arrested and remanded to judicial custody.

3. On the last occasion, after verifying the intention of the detainee, this Court was pleased to pass the following order:-

"6. In the light of the fact that the detainee is a minor and she expressed her disinclination to go with her mother/petitioner herein, this Court is left with no other alternative, other than to entrust the custody of the detainee to a Home in the said locality and accordingly directs the respondents to place the detainee in Anbagam Kuzhandaigal Kaapagam, Tharangambadi Road, Myladuthurai, till the next date of hearing. The Authority concerned of the said institution is directed to permit the mother of the detainee, as well as the second respondent viz., The Inspector of Police, Kollidam Police Station, Nagapattinam District, to see the detainee. It is also open to the second respondent to cause medical inspection of the detainee, with regard to the above said case.

Call on 06.06.2019 and the detainee shall be produced before the Court on the said date, by the authorities of Anbagam, Kuzhandaigal Kaapagam, Tharangambadi Road, Myladuthurai."

4. The detainee has reiterated her stand taken during last hearing. She has expressed apprehension to her life, if she rejoins the petitioner. Thus, we are constrained to extend the earlier order passed on 08.04.2019 referred to supra, till the minor detainee attains majority on 24.11.2019. Thereafter, it is for the detainee to take a decision on her own. Thus, we find no illegal detention involved.

5. Recording the submission made by the detainee, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mp/kmk

To

1. The Superintendent of Police,
Nagapattinam District.
2. The Inspector of Police,
Kollidam Police Station,
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.

HCP.No.588 of 2019

SKV(CO)
CS/24/07/2019



WEB COPY