

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.8014 of 2019

Mohema Khatun

... Petitioner

Vs.

1.The State rep by,
Inspector of Police,
Choolaimedu Police Station,
Chennai.

2.The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower-II, 2nd floor,
Egmore,
Chennai-600 008.

3.The Superintendent,
Government Home for Women,
Mylapore-600 004.

4.Jothi @ Salma Khatun ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned IV Metropolitan Magistrate Saidapet, Chennai to dispose the custody application filed in Crl.M.P.No.83 of 2019 and handover the victim girl to the petitioner within a stipulated time which may be fixed by this Court.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.C.Raghavan
Govt. Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the learned IV Metropolitan Magistrate Saidapet, Chennai to dispose the custody application filed in Crl.M.P.No.83 of 2019 and handover the victim girl to the petitioner within a stipulated time which may be fixed by this Court.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents.

3.The first respondent registered an FIR in Crime No.61 of 2019 for the offences under Section 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic Prevention Act. The petitioner's daughter viz., Salma Khatun was produced before the IV Metropolitan Magistrate, Saidapet, Chennai, showing her as a victim and she was detained in the home.

4.The learned counsel for the petitioner submitted that the petitioner filed petition in CrI.M.P.No.83 of 2019 before the Court below seeking for the release of the petitioner's daughter and the same is kept pending on the ground that the P.O. report is yet to be filed before the Court. Aggrieved by the same, the present petition has been filed before this Court.

5. Considering the facts and circumstances of this case, this Court without going into the merits of the case, the 3rd respondent is directed to immediately release the 4th respondent from the Government Home for Women, Mylapore forthwith and the petitioner before taking her daughter shall produce necessary evidence to show her relationship with the 4th respondent.

6.In the result, this Criminal Original Petition is allowed.

Sd/--

Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

vsn/mpa

To

1. The IV Metropolitan Magistrate Saidapet, Chennai

2.Do thro Chief Metropolitan Magistrate, Chennai.

3.The Inspector of Police,
Choolaimedu Police Station,Chennai.

4.The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower-II, 2nd floor,
Egmore,Chennai-600 008.

5.The Superintendent,
Government Home for Women,Mylapore-600 004.

6.The Public Prosecutor, High Court, Madras.

+1cc to Mr.R.Thirumoorthy , Advocate SR.No. 28509

CrI.O.P.No.8014 of 2019

A.SK(27/03/2019)