

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08..08..2019

CORAM

THE HONOURABLE MR JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

HABEAS CORPUS PETITION NO.1210 OF 2019

S.Manjula

... Petitioner/
Defacto Complainant

-Versus-

1.The Superintendent of Police,
District Police Office,
Ariyalur Taluk and District.

2.The Inspector of Police,
Keelapalur Police Station,
Keelapalur,
Ariyalur District.

... Respondents/Respondents

3.Mr.R.Maruthupandi

4.Mr.S.Punniyamoorthy

5.Mr.K.Anaanthakrishnan

6.Mr.C.Venkatachalam

... Respondents 3 to 6/Accused

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 seize the petitioner's minor daughter from the illegal custody of the respondents 3 to 6 and produce the body of the detainee (petitioner's minor daughter) by name S.Malathi, aged about 16 years, before this court and handover the custody of the detainee to the petitioner and set her at liberty.

For Petitioner

: Mr.C.S.Loganathan

For Respondents

: Mr.C.Iyyappa Raj, APP for
RR 1 & 2

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner is the mother of the detainee. She has come up with this petition seeking custody of the detainee, who is allegedly under the illegal custody of the respondents 3 to 6.

2. On 25.07.2019, this court had passed the following order:-

"3. Considering the facts and circumstances of the case, we deem it appropriate to send the detainee to a Home. The 2nd respondent is directed to house the detainee in Madras Christian Council of Social Service, Jawahar Nagar, Perambur, Chennai, till 08.08.2019."

3. The petitioner and the detainee are once again present before us. The detainee is reluctant to rejoin the petitioner.

4. The learned Additional Public Prosecutor, on instructions, submitted that the investigation reveals that the date of birth of the petitioner is 14.10.2001. This is as per the birth certificate issued by the local authority concerned.

5. In the light of the above, we direct the respondents 1 and 2 to keep the petitioner in the Home as directed on the earlier occasion until the detainee attains the majority. After attaining the majority, the detainee can take a call.

6. In the result, this Habeas Corpus Petition stands dismissed with the above directions.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Superintendent of Police,
District Police Office,
Ariyalur Taluk,
Ariyalur District.

2. The Inspector of Police,
Keelapalur Police Station,
Keelapalur,
Ariyalur District.
3. The Joint Secretary to Government,
Public (Law and Order),
Secretariat,
Fort St. George,
Chennai 600009.
4. The Public Prosecutor,
High Court, Chennai.

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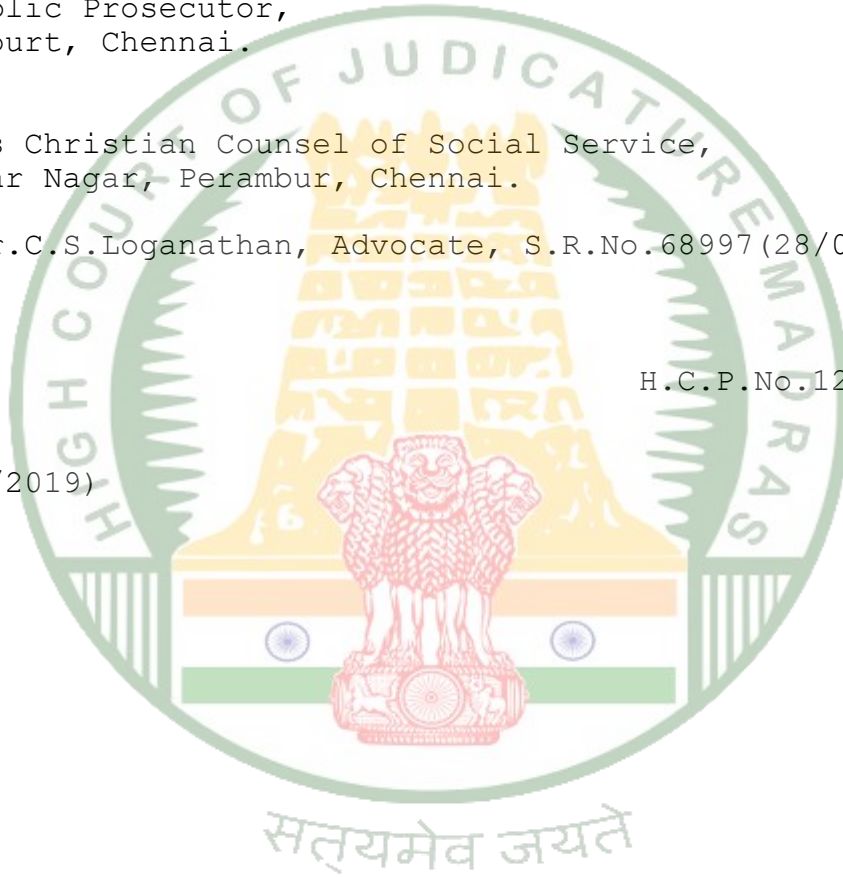
Madras Christian Counsel of Social Service,
Jawahar Nagar, Perambur, Chennai.

+1cc to Mr.C.S.Loganathan, Advocate, S.R.No.68997(28/08/2019)

KK(CO)

RRS(13/08/2019)

H.C.P.No.1210 of 2019



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