

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2019

CORAM:

THE HONOURABLE Mr.JUSTICE C.T.SELVAM
and
THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

H.C.P.No.2169 of 2018

Kaliyammal

... Petitioner

-Vs-

1. The Superintendent of police,
Kancheepuram District,
Kancheepuram.

2. The Deputy Superintendent of Police,
Maduranthakam Zone,
Maduranthakam, Kancheepuram District.

3. State rep. by
The Inspector of Police,
Anaikattu Police Station,
Pavanjur, Kancheepuram District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the body or person of minor child namely Harini, aged about 3 years, the petitioner's daughter before this Hon'ble Court and handover to the petitioner.

For Petitioner : M/s.Y.Deva Arul Prakash
M.Prabhakaran

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by C.T.SELVAM, J]

Petitioner, who is the mother of the detainee/infant girl viz., Harini, aged 3 years, sought production of her daughter.

2. We have heard learned counsel for petitioner as also learned Additional Public Prosecutor for respondents.

3. Petitioner and her husband, who eked out living by selling bangles and plastic goods are being to Kadapakkam, Cheyyur Taluk pursuing their livelihood. Intending to return to their native place using their load auto, they found themselves at Pavanjur Village at 9.00 p.m on 15.09.2018. Considering it safer to halt for the night, they went to sleep under a mosquito net near one Ramdev Automobile Shop opposite to Pavanjur Police Station. Petitioner awoke at 12.10.a.m and found the child was missing, someone had gone into the mosquito net and taken away the child. Petitioner preferred a complaint at 12.30.p.m on 16.09.2018 and a case in Crime No.207 of 2018 was registered by third respondent for offence u/s 363 IPC. As the child had not been traced, petitioner has moved the present petition.

4. The infant child has been produced before this Court by third respondent. Learned Additional Public Prosecutor informs that the infant child was secured on 08.01.2019 from 4 persons and the initial enquiry has brought to light that the child was done away with and handed over to a couple, who are not having a child over several years. Two persons have been remanded to custody and two others have absconded. The child was produced by third respondent before the learned Judicial Magistrate, Maduranthagam. On directions of the learned Magistrate, the child was handed over to the custody of her mother/petitioner.

5. The mother and child as also the father/husband of the petitioner are present. It is brought to notice that Exnora International had caused distribution of pamphlets containing photographs of missing child and also been implementing frequent telecast in Kaveri TV as also distributed information over the social media. Exnora International has been in the forefront of public process over very many years and even while we would appreciate the same. We specifically would place on record of appreciation of the efforts put in by Mr.N.S.Nagalingam, Inspector of Police, G-10 Anaicut Police Station in tracing the infant girl. Petitioner, her husband as also the infant child though economically poor, are seem to be rich heart and spirit blessed themselves with the immediate presence of their infant and have much to that the third respondent as also Exnora

International. Third respondent had taken much pains in tracing the child and returning her to the custody of the petitioner. As can be seen from the status report, third respondent has constituted a team, which had been sent to West Bengal for searching the child.

6. This Habeas Corpus Petition shall stand closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1. The Superintendent of police,
Kancheepuram District,
Kancheepuram.
2. The Deputy Superintendent of Police,
Maduranthakam Zone,
Maduranthakam, Kancheepuram District.
3. The Inspector of Police,
Anaikattu Police Station,
Pavanjur, Kancheepuram District.
4. The Public Prosecutor,
High Court, Madras.

Copy To

1. The Deputy General of Police,
Office of The Deputy General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
2. Mr.Nirmal
The founder,
Exnora International,
2-12-4, Arhant Majestic Tower,
Koyambedu, Chennai-106.

H.C.P.No.2169 of 2018

KS (CO)
GMY (22/03/2019)