

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2019

CORAM:

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

H.C.P.No.2519 of 2018

S.Jayalakshmi

.. Petitioner

Vs.

1.The Superintendent of Police
Thiruvavur District
Thiruvavur.

2.The Inspector of Police
Nannilam Police Station
Nannilam
Thiruvavur District.

3.Udayakumar

4.The Director General of Police
Government of Tamil Nadu
Chennai.

5.The Secretary to Government
Social Welfare Department
Government of Tamil Nadu
Fort St.George
Chennai.

6.The Inspector
Palaiyur Police Station
Nagapattinam.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, to direct the first and second respondents to search and produce the petitioner's minor child S.Uma Bharathi, D/o, Saminathan, aged about 17 years before this Court.

For Petitioner .. Mr.L.Ramu

For Respondents.. Mr.C.Iyyappa Raj

Additional Public Prosecutor

[R1, R2, R4 to R6]

ORDER

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

This Court, in continuation and conjuncture with the earlier orders dated 01.11.2018, 15.03.2019 and 29.03.2019, is passing the following order.

2. The detainee, who is now major, and was under the custody of Bharat Matha Ujjwala Rehabilitative Home, Thiruthuraipoondi, Thiruvarur District, is produced before this Court today and on enquiry, she would state that the father of the third respondent is present before this Court and she expressed her willingness to go with him and has also informed the Court that she is in her family way, and considering her safety, she wants to remain in the custody of the family members of the third respondent.

3. On enquiry, the learned counsel appearing for the petitioner would submit that the mother of the detainee was hospitalised for quite some time and hence, she could not meet the detainee, during the detainee's stay at home.

4. Mr.C.Iyyappa Raj, learned Additional Government Pleader appearing for the State would submit that if the parents of the detainee wishes to meet her daughter, they may inform the second respondent/police in advance, so that arrangements can be made, to enable the parents of the detainee to meet the detainee at the house of the third respondent.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Taking into consideration the fact that the detainee is a major now, and she is also in her family way and she expressed her willingness to go with the father of the third respondent, who is present before this Court today, this Court is unable to come to the aid and help of the petitioner in handing over the detainee to her. However, the detainee is set at liberty and she is free to take a decision of her future and well-being.

7. This Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

ds

To:

1.The Superintendent of Police
Thiruvarur District
Thiruvarur.

2.The Inspector of Police
Nannilam Police Station
Nannilam
Thiruvarur District.

3.The Director General of Police
Government of Tamil Nadu
Chennai.

4.The Secretary to Government
Social Welfare Department
Government of Tamil Nadu
Fort St.George
Chennai.

5.The Inspector
Palaiyur Police Station
Nagapattinam.

6.The Public Prosecutor
High Court, Madras.

H.C.P.No.2519 of 2018

LN(CO)
GN(03/06/2019)

सत्यमेव जयते

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