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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.No.1462 of 2020

Nathiya

... Petitioner

Vs

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
2. The Sub-Inspector of Police,
Perumabalai Police Station,
Perumalai - 636 810,
Dharmapuri District.
3. The Chairman,
Child Welfare committee,
Vallar Illam,
Kurnichi Nagar,
Nallampalli - 636 807,
Dharmapuri District.
4. Muthammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus directing the respondents 1 to 3 herein to produce the body and person of the detenu by name Namitha, D/o.Late Andi, who is aged about 14 years and who has been detained at the 3rd respondent home, before this Court and hand over to the petitioner.

For Petitioner : Mr.M.R.Jothimanian.

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



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O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.The Step Sister of the alleged detainee viz., Namitha aged about 14 years has approached this Court stating that against the wishes of the detainee, she has been detained by the third respondent based on the false complaint given by the fourth respondent who is the mother of the detainee.

3.When the matter is called today, the detainee has been produced through Video Conference by Mr.Saravanan, Chairman of the Child Welfare Committee,Child Welfare committee, Vallar Illam, Kurnichi Nagar, Nallampalli - 636 807, Dharmapuri District. He submitted that based on the complaint of the fourth respondent stating that the minor girl who is the detainee herein is said to be married to somebody else, custody of the child has been secured by the third respondent. However, the detainee appeared through Video Conference and submitted that she wants to be with her step sister viz., the petitioner as the fourth respondent conduct is not good. Further, the detainee submitted that she wants to study in the petitioner's house and there is no arrangement of child marriage as alleged by the fourth respondent.

4.Similarly, the petitioner have also appeared before this Court through Video Conference and stated that neither she made arrangement nor got any idea of getting married the minor detainee to anybody else. The petitioner further submitted that she wants to give good education to her sister.

5.In view of the above decision, the third respondent is directed to hand over the child to the petitioner after following the formalities as per law through District Child Protection Unit. This Habeas Corpus Petition is disposed of in the above terms.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

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1. The Superintendent of Police,
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Dharmapuri.
2. The Sub-Inspector of Police,
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Perumalai - 636 810,
Dharmapuri District.
3. The Chairman,
Child Welfare committee,
Vallar Illam,
Kurnichi Nagar,
Nallampalli - 636 807,
Dharmapuri District.
4. The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.1462 of 2020

KS (CO)
RMP (18/11/2020)