

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1952 of 2020

V.Bakkiyalakshmi ... Petitioner

-vs-

1. The Commissioner of Police
Greater Chennai,
Vepery.
2. The Inspector of Police,
S-8, Adambakkam Police Station,
Chennai.
- 3.Sakthi

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the second respondent herein to produce the body of the petitioner's minor daughter, the detenue, Vinitha, F/17, D/o. Venkatesan, before this Court from the custody of the third respondent and handover to the petitioner.

For Petitioner .. Mr.M.Vignesh
For Respondents .. Mr.R.Prathap Kumar
Addl. Public Prosecutor
for R1 and R2

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the mother of the detenue. Alleging that she is in the illegal custody of the third respondent, the present habeas corpus petition has been filed.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. Learned Additional Public Prosecutor has submitted that the allegation is not correct though a case has been registered. The detainee, who is the minor, went away from the parental home on her own accord. She was thereafter secured and produced before the jurisdictional Magistrate, namely, Judicial Magistrate, Palacode. Having found that the detainee is a minor, the Judicial Magistrate, sent her to the Child Welfare Committee as she is in need of care and protection. The Child Welfare Committee, Dharmapuri, upon enquiring the parties including the petitioner placed the detainee at the Government Home.

4. In such view of the matter, we do not find any illegal detention involved. In fact, the petitioner herself has stated before the respondent/Police that she is withdrawing the complaint. Liberty is given to the petitioner to work out the remedy in the manner known to law including approaching the Child Welfare Committee, Dharmapuri.

5. With the above observation, the Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Commissioner of Police,
Vepery, Chennai 600 007

2.The Inspector of Police,
S-8 Adambakkam Police Station,
Chennai - 600 021.

3.The Public Prosecutor,
High Court, Madras.

CP(CO)
RMP(02/12/2020)

H.C.P. No. 1952 of 2020