



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.994 of 2020

WEB COPY

Manickathammal

... Petitioner/Grandmother
of the detinue

-vs-

1.The Inspector of Police,
Kulithalai Police Station,
Karur District.

2.The Chairman,
District Child Welfare Committee,
Karur, Karur District.

3.The Chairman,
Health, Education and Development Society (HEADS)
Nallur, Kulithalai,
Karur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to direct the second respondent to produce the body or person of petitioner's granddaughter by name S.Gowri (Female, aged 17 years) in the present case before this Hon'ble Court consequently, hand over the custody of the detinue to her .

For Petitioner : Mr.M.Pitchai Muthu

For Respondents : Mr.K.Dinesh Babu

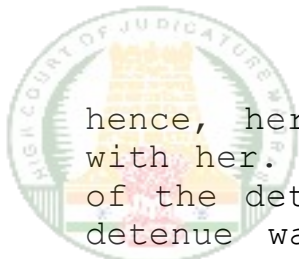
Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This Habeas Corpus Petition has been filed praying for a direction to the respondents to produce the granddaughter of the petitioner, namely, S.Gowri, aged about 17 years before this Court and consequently, handover her custody to the petitioner.

2. It is the case of the petitioner that her son, by name, Selvam married one Valli and they were blessed with three girl children and the detinue is the elder daughter. It is stated that the petitioner's daughter in law Valli died before 10 years and



hence, her son contracted second marriage and he is now living with her. It is further stated that the petitioner has taken care of the detinue and other children. While so, on 13.09.2020, the detinue was kidnapped by one Vignesh. Hence, a complaint was lodged before the first respondent and it has been registered in Crime No.709 of 2020 for the offences punishable under Section 366 (A) IPC. Subsequently, on 20.09.2020, the detinue was secured and produced before the Jurisdictional Magistrate and thereafter, the custody of the detinue has been handed over to the third respondent and she is now confined with the third respondent. However, when the petitioner meet the detinue, she expressed her willingness to join with her, but it was not accepted by the respondents. Hence, this petition.

3.When the matter is taken up for hearing, Mr.K.Dinesh Babu, learned Additional Public Prosecutor, while accepting the case of the petitioner, would state that based on the representation dated 23.10.2020, the custody of the detinue was handed over to the petitioner on 12.11.2020. It is further stated that admittedly, on 20.09.2020, the detinue was not willing to go with the petitioner and hence, she was kept in the third respondent Government Vigilance Home.

4.The statement of the learned Additional Public Prosecutor would show that the prayer sought for in this habeas corpus petition has become infructuous. Hence, this habeas corpus petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

skn

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1.The Inspector of Police,
Kulithalai Police Station,
Karur District.

2.The Chairman,
District Child Welfare Committee,
Karur,
Karur District.

3.The Chairman,
Health, Education and Development Society (HEADS)
Nallur, Kulithalai,
Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.994 of 2020
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SGS (CO)

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