

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.04.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.NO.2439 OF 2020

M.Lakshmi

... Petitioner

..Vs..

1. The Superintendent of Police
Tiruppur District, Tiruppur
 2. The Inspector of Police
Alangiyum Police Station
Tiruppur District
 3. Marudumuthu
- ... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the 2nd respondent to produce petitioner's daughter viz. M.Madumitha, aged 6 years, before this Court from the custody of the 3rd respondent and hand over to the petitioner.

For petitioner : Mr.R.Chakkaravarthy

For RR 1 & 2 : Mr.R.Prathap Kumar
Additional Public Prosecutor

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O R D E R
[Order of the Court was made by P.N.PRAKASH, J.]

This petition has been filed seeking a direction to the 1st respondent to produce the petitioner's daughter viz. M.Madumitha, aged 6 years, before this Court from the custody of the 3rd respondent and hand over her to the petitioner.

2. On 01.02.2021, we handed over the custody of the child viz. Madumitha to the petitioner and passed the following order:

"It is the case of the petitioner that she got married to the third respondent and is blessed with two children M.Veeraraj, aged about 9 years and M.Madhumidha, aged about 6 years. On account of marital discord, she got estranged from her husband and that her husband is illegally retaining both the children and not permitting her even to see the children.

2. Today, Ms.K.Vanitha Mani, Inspector of Police, All Women Police Station, Dharapuram, Tiruppur District and Mr.P.Sivasubramanian, Special Sub Inspector of Police, Alangiam Police Station, Tiruppur District are present. The third respondent is present with the two children.

3. During enquiry, we found that the girl Madhumidha did not have any serious objection in going with her mother. However, the third respondent stated that he does not know where the petitioner is residing. The petitioner stated that she has given her address in the petition. Hence, we direct the Inspector of Police, All Women Police Station, Dharapuram to find out the address of the petitioner and also inform the Child Welfare Committee, Tiruppur to keep a watch on the petitioner and the child and submit a report before this Court on 15.02.2021. The police shall also inform the third respondent about the whereabouts of the petitioner and the child.

Post the matter on 15.02.2021."

3. On 16.02.2021, we passed the following order :

"Today, Mr.P.Sivasubramanian, Special Sub Inspector of Police, Alangiam Police Station, Tiruppur District is present.

2.Ms.K.Vanithamani, Inspector of Police, All Women Police Station, Dharapuram, Tiruppur District has filed a detailed status report dated 15.02.2021 wherein she has stated that the Child Welfare Committee, Tiruppur has been informed about the orders that were passed by this Court on 01.02.2021.

3.The Child Welfare Committee, Tiruppur District is directed to make a surprise visit to the house of

the petitioner and find out the well being of the child Madhumidha and submit a report before this Court on 09.03.2021."

4. On our directions, the Members of the Child Welfare Committee, Tiruppur District, conducted a surprise inspection of the house of the petitioner thrice and they have submitted an exhaustive report dated 05.03.2021, wherein, they have stated that the child Madumitha is happy in the company of the petitioner (mother). It may be relevant to extract paragraphs 11, 12, 13, 22 and 23 of the said report "

"11.We the Child Welfare Committee of Tirupur District feels the protection the child Madumitha is questionable. Hence, we gave the direction to the petitioner on 19.02.2021 (at the time of visit), that is to appear along with the child Madumitha to Child Welfare Committee on 23.02.2021 with proper plan for providing care and protection to her child.

12.On 23.02.2021 the H.C.P. petitioner Mrs.Lakshmi, Child Madumitha and cousin brother Mr.Premkumar appeared in Child Welfare Committee. We the Child Welfare Committee of Tirupur District undertook the case of child Madumitha and the case No.087/02/2021. The case has been taken for ensuring care and protection of child Madumitha and for providing further follow-up directions to the District Child Protection Officer of Tirupur District.

13.On 23.02.2021 the petitioner has a proper plan for providing care and protection to her child Madumitha. That is, until school reopen she will stay in her house and by doing a home based work (checking and cutting of banian at piece rate) and the petitioner hopefully states that providing 24hours care and support to her child Madumitha. After school reopen the petitioner states that she will appoint a care taker and the petitioner will go for full time work.

22.We the Child Welfare Committee of Tirupur District, to know the real fact we made a third time surprise visit to the petitioner house on 03.03.2021. The petitioner and the child Madumitha living in the house and the petitioner doing home based work (photo enclosed). We the Child Welfare Committee satisfied their assurance and his affectionate with her child.

23.As per the fact of three surprise visit made by the Child Welfare Committee of Tirupur District reveals that, continuous follow-up and visits to the petitioner house and interact with the child Madumitha for ensuring care and protection. For that we provide directions to the DCPO (District Child Protection Officer) of Tirupur District for follow-up process and submit the reports to the Child Welfare Committee of Tirupur District."

In view of the above, this Habeas Corpus Petition stands closed. We place on record our appreciation to the Members of the Child Welfare Committee, Tiruppur District, for the surprise visits conducted by them and for submitting a detailed report to this Court.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairperson and Members,
Child Welfare Committee,
219, Karatankadu Bus Stop,
Dharapuram Road, Tirupur District.
2. The Superintendent of Police
Tiruppur District, Tiruppur
3. The Inspector of Police
Alangiyum Police Station
H.C.P.No.2439 of 2020
Tiruppur District
4. The Public Prosecutor
High Court, Madras.

H.C.P.NO.2439 OF 2020

RGN(CO)
CS/08/07/2021