

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P. No.2452 of 2020

A.Thamizharasi .. Petitioner

Vs.

1.The Superintendent of Police,
Ranipet District.

2.State represented by
The Inspector of Police,
All Women Police Station,
Ranipet.

3.Suguna Sundari

4.Rajendiran

5.Ashwin

6.Abirami .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the 2nd respondent police to produce the detenu, who is the petitioner's daughter viz., Kavya, aged about 13 years, before this Court and hand over to the petitioner.

For Petitioner : Mr.M.Vignesh

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

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the 2nd respondent police to produce the detainee, who is the petitioner's daughter viz., Kavya, aged about 13 years, before this Court and hand over to the petitioner.

2. On a complaint lodged by Thamizharasi, a case in Ranipet All Women Police Station Crime No.9 of 2020 was registered on 13.08.2020 under Sections 5(m), 6 and 5(1) of the Prevention of Children from Sexual Offences Act, 2012, against one Senthilvel.

3. A reading of the FIR shows that Senthilvel had sexually abused Kavya, daughter of the petitioner, who was aged about thirteen years. The statement of Kavya was recorded under Section 164 Cr.P.C. by the Magistrate. Senthilvel was arrested by the police and was remanded in judicial custody.

4. It is alleged that while Senthilvel was in custody, the petitioner herein and her husband had gone to meet Senthilvel in prison. It appears that though the petitioner was the biological mother of Kavya, since childhood, Kavya was brought up by her aunt Suguna Sundari, third respondent herein.

5. Under such circumstances, this habeas corpus petition has been filed by the petitioner on the ground that Kavya is under the illegal custody of the third respondent.

6. Today, Ms.R.Rajeshwari, Women Grade I - 602, All Women Police Station, Ranipet, is present with the Case Diary. The petitioner is also present.

7. Admittedly, Kavya, being a victim of an offence, would fall within the meaning of the expression "child in need of care and protection" as defined by Section 2 (14) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Under Section 30 (xiii) r/w 37 of the Act, *ibid*, the power is vested with the Child Welfare Committee to pass appropriate orders in respect of the "child in need of care and protection".

Therefore, this habeas corpus petition is closed with a direction to the Child Welfare Committee (CWC), Vellore, to look into the grievance of the petitioner and pass appropriate orders after hearing the police and Suguna Sundari, third respondent

herein. The CWC, Vellore, shall also enquire any other person, if situation so requires.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Superintendent of Police,
Ranipet District.
- 2.The Inspector of Police,
All Women Police Station,
Ranipet.
- 3.Child Welfare Committee,
SUNSHINE, Officers Line,
Vellore - 632 001.
- 4.The Public Prosecutor,
High Court, Madras.

GMR(CO)
SM/03/03/2021

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