



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

HCP(MD)No.129 of 2021

M.S.Abdul Rahuman

: Petitioner/Father of the
Detenue

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
S.S Colony Police Station,
Madurai, Madurai District.

3.The Chairman,
Child Welfare Committee,
Muthupatti,
Madurai District.

4.The Executive Director,
Sakthi Vidiyal Shelter Home,
Veeramudiyaan, 4th Cross Street,
Muthupatti,
Pazhanaganatham,
Madurai District.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the petitioner daughter by name A.Shaira Farath, D/o.M.S.Abdul Rahuman, aged about 10 years old, before this court and hand over the custody to the petitioner.

For Petitioner : Mr.N.Jayaraman Sidharth

For Respondents : Mr.K.Dinesh Babu

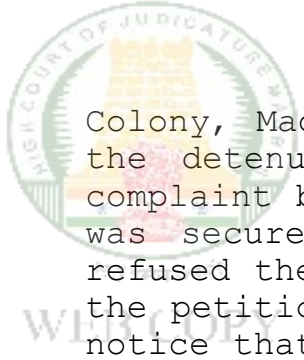
Additional Public Prosecutor

O R D E R

(Order of the Court was made by **G.ILANGO VAN, J**)

The Habeas Corpus Petition was filed by the father of the detenue by name A.Shaira Farath. Initially, at the time of admission, notices were issued to all the parties.

<https://hcservices.ecourts.gov.in/hcservices/> 2. It is the contention of the petitioner in the petition that the detenue was found missing since 19.03.2020 from her School namely Srividyalayam Matriculation Higher Secondary School, S.S

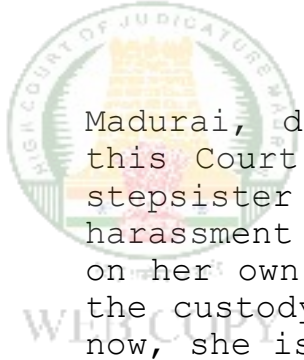


Colony, Madurai. The 4th respondent was suspected to have kidnapped the detainee along with one Hannah. So, the petitioner lodged a complaint before the respondents 1 and 2 on 11.03.2020. The detainee was secured on 12.03.2020 by the 4th respondent, but the police refused the petitioner to see her daughter. The 4th respondent asked the petitioner to come on 20.03.2020 and thereafter, it came to his notice that the 4th respondent was involved in child trafficking and they are in the habit of selling the children to Christianity Association to the abroad. So, according to him, there is a possibility of illegal child trafficking by the 4th respondent.

3. Since the allegations are found to be serious in nature, the matter was listed on 12.02.2021. On that date, Mr. R. Gandhi, learned counsel entered appearance for the 4th respondent and informed the Court that the petitioner after the death of the first wife, contracted 2nd marriage and started harassing the detainee by pouring hot water. So, the detainee gave a complaint to the Child Welfare Committee. On 12.03.2020, after securing the detainee, her custody was handed over to the 4th respondent, which is a statutory body under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 and later, by order, dated 20.03.2020, the custody of the detainee was handed over to her elder sister namely Hannah.

4. According to the learned counsel for the petitioner, the petitioner also participated in the enquiry before the Child Welfare Committee, Madurai and having known these facts, suppressing the real facts, he filed this petition. So, it was ordered to be listed on 22.02.2021. On that date, at the request made by the learned Additional Public Prosecutor, it was adjourned after two weeks. On 10.03.2021, on a mention made by the learned Additional Public Prosecutor, the case was listed and on that day, the detainee along with her stepsister namely Hannah, appeared through Video Conferencing from the Office of the Public Prosecutor. She informed the Court that the petitioner, after marrying one Ferlin Nilopher, she underwent harassment at the hands of her stepmother. So, she ran away from the house, but was secured by the Dindigul Police. After enquiry made by the Child Welfare Committee, now, she is in the custody of her stepsister namely Hannah and comfortable and also studying in Anna Adarsh Matriculation Higher Secondary School, Chennai. So the matter was ordered to be listed on 15.03.2021, for filing counter.

5. On 17.03.2021, it was represented by the learned Additional Public Prosecutor that the Inspector of Police, S.S. Colony, Madurai obtained the statement from the detainee and also a report from the Children Welfare Committee, Madurai. Based on the same, a case was registered in Crime No.169 of 2021 against the 2nd wife of the petitioner namely Ferlin Nilopher.. The copy of the FIR registered against the 2nd wife of the petitioner is dated 15.03.2021, in Crime No.169 of 2021 placed before this Court for perusal along with the order passed by the Child Welfare Committee,



Madurai, dated 20.03.2020. So, from the records produced before this Court as well as from the enquiry made with the detinue, her stepsister and the petitioner, it is seen that only because of the harassment of the 2nd wife of the petitioner namely Ferlin Nilopher, on her own, the detinue run away from the house and now, she is in the custody of her stepsister namely Hannah. It is also seen that now, she is conformable at Chennai with her stepsister.

6. When the matter was listed on 26.03.2021, the learned counsel appearing for the petitioner seeks permission of this court to withdraw the same.

7. In view of the submission made by the petitioner and in the light of the above facts, permission is granted to the petitioner to withdraw the petition. Accordingly the HCP is dismissed as withdrawn.

Sd/-

Assistant Registrar (CSII)

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/ /2021

Sub Assistant Registrar(CS)

To,

1. The Commissioner of Police,
Madurai City, Madurai.

2. The Inspector of Police,
S.S Colony Police Station,
Madurai, Madurai District.

3. The Chairman,
Child Welfare Committee,
Muthupatti,
Madurai District.

4. The Executive Director,
Sakthi Vidiyal Shelter Home,
Veeramufaiyaan, 4th Cross Street,
Muthupatti, Pazhanaganatham, Madurai District.

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

+1 CC to M/s.R.GANDHI, Advocate (SR-957[I] dated 12/02/2021)

HCP(MD) No.129 of 2021