



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P (MD)No.519 of 2021

T.Eshwari ...Petitioner/Aunty of the detenu

-vs-

1. The District Collector, Office of the District Collector, Sivagangai District.
2. The Superintendent of Police, Office of the Superintendent of Police, Sivagangai District.
3. The Child Welfare Officer, Office of the Child Welfare, Sivagangai District.
4. The Inspector of Police, Thiruppuvanam Police Station, Sivagangai District.
5. Selvi ...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents to produce the body or person of the detenu namely Revathi, D/o. (late) Panchacharam, aged about 14 years before this Court and hand over the custody to the petitioner forthwith.

For Petitioner :Mr.I.Sabeer Mohamed

For Respondents :Mr.V.Neelakandan,
Additional Public Prosecutor for R.1 to R.4

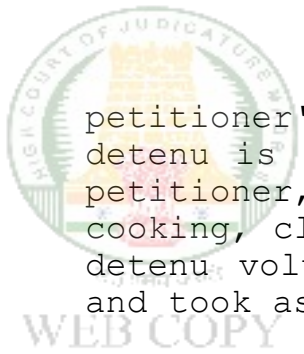
Mr.K.Dinesh for R.5

O R D E R

[Order of the Court was made by B.PUGALENDHI, J.]

The petitioner has filed this habeas corpus petition alleging that her brother's daughter, namely, Revathi, aged about 14 years, is in the illegal detention of the fifth respondent.

2. According to the petitioner, the detenu, namely, Revathi is the daughter of her brother, (late) Panchacharam. The detenu's mother has already passed away and thereafter, the petitioner's brother married the fifth respondent as second wife. The



petitioner's brother also died in the year 2017 and thereafter, the detenu is in the custody of the fifth respondent. According to the petitioner, the fifth respondent is compelling the detenu to do cooking, cleaning, washing and also harassing her and therefore, the detenu voluntarily came out of the fifth respondent on 17.03.2021 and took asylum with the petitioner's sister.

3. The fifth respondent entered appearance through a Counsel and submitted that the detenu was found missing from 17.03.2021 and therefore, she lodged a complaint before the fourth respondent. Based on that complaint, the fourth respondent rescued the child from the custody of the petitioner and handed over the child to her. According to the fifth respondent, the petitioner, for some extraneous consideration, has taken the child and now filed the present habeas corpus petition.

4. The learned Additional Public Prosecutor has produced the detenu, Revathi, before this Court, through the respondent Police.

5. This Court verified with the detenu. The detenu stated that she has been brought up by the fifth respondent from her childhood and she is also studying 8th Standard in the Government School at Thiruppuvanam. She further stated that due to some misunderstanding, she left the house of the fifth respondent and now, she is willing to live with the fifth respondent.

6. It appears that the detenu was brought up from her childhood by the fifth respondent. Though the fifth respondent is a step-mother to the detenu, the detenu has not made any averment against her that she faced any harassment at the hands of the fifth respondent. She is also studying 8th Standard in the Government School at Thiruppuvanam. In such view of the matter and taking note of the wish expressed by the detenu, Revathi, we are not inclined to entertain this habeas corpus petition. However, we direct the third respondent / Child Welfare Officer to make periodical inspections, preferably, once in every three months and ensure that the child is brought up well without harassment of any kind, whatsoever.

In fine, this habeas corpus petition stands dismissed.

Sd/-

Assistant Registrar ()

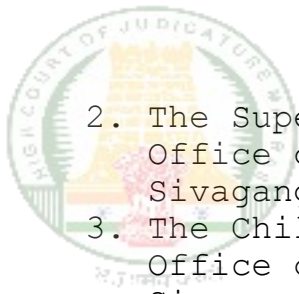
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/ /2021
Sub Assistant Registrar(CS)

To

1. The District Collector,
Office of the District Collector,
Sivakasi District.

<https://hcservices.sivakasi.nic.in/hcservices>



2. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.
3. The Child Welfare Officer,
Office of the Child Welfare,
Sivagangai District.
4. The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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