



WEB COPY

H.C.P.(MD) No.1090 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.1090 of 2020

Chandra

... Petitioner

-vs-

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Inspector of Police,
Valanadu Police Station,
Trichy District.

3.Boopathy

4.Jeya

5.Alagumani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents to produce the person or body of the detainee namely, Nithiya, aged 17 years minor daughter of Palanisamy before this Court and hand over the custody to the petitioner.

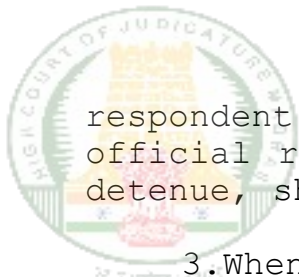
For Petitioner	:	Mr.A.Joel Paul Antony
For Respondents	:	Mr.K.Dinesh Babu Additional Public Prosecutor (for R1 and R2)

O R D E R

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

The Habeas Corpus Petition has been filed seeking a direction to the respondents 1 and 2 to produce the petitioner's minor daughter, namely, Nithiya, aged about 17 years before this Court and hand over her custody to the petitioner.

2.The petitioner would claim that she is having a male child and two daughters and the detainee is her second daughter. According to the petitioner, the detainee completed +2, but she could not pursue her studies due to financial constrain. It is alleged that on 05.11.2020 at about 09.00, the detainee had gone out, but she did not return home and hence, she lodged a complaint with the second respondent on 06.11.2020 and a case was registered by the second



respondent in Crime No.416 of 2020 under 'girl missing'. Since the official respondents did not take appropriate action to secure the detainee, she has come forward with this petition.

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor would state that the detainee was born on 02.04.2003 and she is 17 years old. Now, it is further stated that the third respondent is her uncle's son. Based on the complaint of the petitioner, the case was registered in Crime No.416 of 2020 and when the investigation was in progress, the detainee herself appeared along with her paternal grandmother on 02.02.2021 before the second respondent and immediately, she was produced before the Judicial Magistrate, Manapparai. Since the detainee was not willing to go with the petitioner, her custody was given to her grandmother and today, the second respondent will produce the detainee before the Government Hospital for medical examination.

4. It is argued by the learned counsel for the petitioner that the petitioner is the natural guardian and the custody given to the paternal grandmother is not in accordance with law.

5. We are unable to appreciate the argument of the learned counsel for the petitioner for the reason that the order of the Judicial Magistrate is not before this Court and if the petitioner is aggrieved, he has to challenge that order in a manner known to law.

6. In view of the above facts, we find no merits in this habeas corpus petition and hence, the same is dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

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.



To

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Inspector of Police,
Valanadu Police Station,
Trichy District.

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

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VB (03.03.2021) 3P 4C