



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.No.433 of 2022

Saraswathy
W/o.Raji (Late)

.. Petitioner / Mother of the Detenue

Vs.

1. The State of Tamil Nadu
represented by
The Superintendent of Police,
Chengalpattu District.
2. The Inspector of Police,
All Women Police Station,
Mamallapuram,
Chengalpattu District.
3. The Manager,
El Shadai Children Home,
No.37, Annai Theresa Street,
Old Mahabalipuram Road,
Kazhipattur,
Chengalpattu District - 603 103.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the first respondent herein to secure and produce the petitioner's minor daughter Chineka d/o.(late) Raji, aged about 15 years, before this Court forthwith from the illegal custody of the third respondent and hand over to the petitioner herein.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



ORDER

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

Alleging that her daughter Chineka d/o.(late) Raji, aged about 15 years, is in the illegal custody of the third respondent, the petitioner has filed the present petition.

2. Today, Ms.S.Shanthi, WPC - 590, All Women Police Station, Mamallapuram [Mobile No.97907 18419], is present.

3. On instructions, learned Additional Public Prosecutor submitted that Chineka was studying in the tenth standard in the Tiruporur Government Higher Secondary School, Sembakkam and did not attend classes for ten days. When the teachers enquired with her, she is said to have stated that she was not happy in her sister's house where she was residing. Therefore, the school authorities informed the Child Helpline and an enquiry was conducted by the Child Welfare Committee at Chengalpet, Kancheepuram District, pursuant to which, the Child Welfare Committee passed an order dated 25.02.2022 directing Chineka be kept in the third respondent home for her safety.

4. A copy of the order dated 25.02.2022 passed by the Child Welfare Committee at Chengalpet, Kancheepuram District, is furnished to the learned counsel for the petitioner across the bar.

5. In the light of the above, it cannot be stated that Chineka is in the illegal custody of third respondent for issuance of a writ of habeas corpus. It is always open to the petitioner to approach the Child Welfare Committee seeking custody of Chineka and if the petitioner is aggrieved by any order passed by the Child Welfare Committee, she can prefer an appeal u/s.101 of the Juvenile Justice (Care and Protection) Act, 2015, before the Children's Court.

With the above observations, his Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

gm



To

1. The Superintendent of Police,
Chengalpattu District.
2. The Inspector of Police,
All Women Police Station,
Mamallapuram, Chengalpattu District.
3. The Child Welfare Committee,
Chengalpet, Kancheepuram District.
4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.G.Magesh Kumar, Advocate, S.R.No.19302

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NSK 01/04/2022